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ILLINOIS COMMERCE COMMISSION LAW AND WAREHOUSE ACT



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Springfield, Illinois

(Printed by authority of the State of Illinois.)

ILLINOIS
COMMERCE COMMISSION
LAW
AND WAREHOUSE ACT



Prepared by

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ILLINOIS COMMERCE COMMISSION LAW.

(APPROVED JUNE 29, 1921. EFFECTIVE JULY 1, 1921.)

AN ACT *concerning public utilities.*

ARTICLE I.

ORGANIZATION AND POWERS OF THE COMMISSION.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* There is hereby created in the Department of Trade and Commerce an Illinois Commerce Commission consisting of seven members. The governor shall appoint the members of such Commission by and with the advice and consent of the Senate. In case of a vacancy in such office during the recess of the Senate the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the Senate, shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. If the Senate is not in session at the time this Act takes effect, the Governor shall make temporary appointments as in the case of a vacancy. Each member of the Commission shall hold office for a term of four years from the third Monday in January next after the election of Governor and until his successor is appointed and qualified. The Governor shall from time to time designate the member of the Commission who shall be its chairman.

This Act shall be administered by the Illinois Commerce Commission created by this Act and in its name without any direction, supervision, or control by the director of trade and commerce.

A majority of the Commission shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the Commission; and every finding, order or decision approved by a majority of the members of the Commission shall be deemed to be the finding, order or decision of the Commission.

§ 2. The Commission shall have a secretary, to be appointed by the Governor in the same manner and for the same term as are members of the Commission. He shall keep a record of all proceedings, transactions, communica-

**Commission
Number.
Appoint-
ment.**

**Term of
Office.**

Chairman.

Quorum.

**Secretary.
Appoint-
ment.
Term.
Duties.**

Assistant Commissioners. Appointment. Qualifications.

Duties.

Hearings.

Place Held.

Additional Officers. Appointment.

Civil Service. Exemptions.

Oath of Office.

Entire Time Devoted to Office.

Person Interested in Utility Not Eligible.
Sec. 4

tions and official acts of the Commission and perform such other duties as the Commission may prescribe.

§ 3. Assistant commissioners, not to exceed eight in number, shall be appointed by the Governor as circumstances may require, to hold office at his pleasure, who may be persons qualified by professional training or previous experience, to make valuations of public utility properties, or to estimate proper rates of service of public utilities, or to examine other questions coming before the Commission, by taking testimony or by independent investigation. Such assistant commissioners shall, under the direction of the Commission, take testimony of witnesses, examine accounts, records, books, papers and physical properties, either by holding hearings or making independent investigations, in any matter referred to them by the Commission; and make report thereof to the Commission, and attend at hearings before the Commission when so directed by the Commission, for the purpose of explaining their investigations and the result thereof to the Commission and the parties interested; and perform such other duties as the Commission may direct, subject to its orders. All hearings before the Commission or any commissioner or assistant commissioner shall be held within the county in which the subject matter of the hearing is situated, or if the subject matter of the hearing is situated in more than one county, then at a place or places designated by the Commission, or agreed upon by the parties in interest, within one or more such counties, or at the place which in the judgment of the Commission shall be most convenient to the parties to be heard.

The Commission shall have power upon consultation with and the approval in writing of the Governor, to appoint or employ such additional officers and such accountants, engineers, experts, inspectors, clerks, and employees as it may deem to be necessary to carry out the provisions of this Act or to perform the duties and exercise the powers conferred by law upon the Commission. Appointments of assistant commissioners, engineers, accountants, rate experts, other experts, and one private secretary or stenographer to each commissioner and assistant commissioner, shall not be included in the classified civil service of the State.

§ 4. Each commissioner, each assistant commissioner, the secretary and each person appointed to office by the Commission, shall before entering upon the duties of his office, take and subscribe the constitutional oath of office.

Each commissioner, each assistant commissioner, and the secretary shall devote his entire time to the duties of his office, and shall hold no other office or position of profit, or engage in any other business, employment or vocation.

No person in the employ of or holding any official relation to any corporation or person subject in whole or in part to regulation by the Commission, and no person holding stocks

or bonds in any such corporation, or who is in any other manner pecuniarily interested therein, directly or indirectly, shall be appointed to or hold the office of commissioner, assistant commissioner or secretary, or be appointed or employed by the Commission; and if any such person shall voluntarily become so interested his office or employment shall *ipso facto* become vacant. If any person become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest, and if he fails to do so his office or employment shall become vacant.

No commissioner, assistant commissioner, secretary or person appointed or employed by the Commission shall solicit or accept any gift, gratuity, emolument or employment from any person or corporation subject to the supervision of the Commission, or from any officer, agent or employee thereof; nor solicit, request from or recommend, directly or indirectly, to any such person or corporation, or to any officer, agent or employee thereof the appointment of any person to any place or position. And every such corporation and person, and every officer, agent or employee thereof, is hereby forbidden to offer to any commissioner, assistant commissioner, secretary or to any person appointed or employed by the Commission any gift, gratuity, emolument or employment. If any commissioner, assistant commissioner, secretary or any person appointed or employed by the Commission shall violate any provisions of this paragraph he shall be removed from the office or employment held by him. Every person violating the provisions of this paragraph shall be guilty of a misdemeanor.

Shall Accept No Gift, Etc.

Before entering upon the duties of his office each commissioner shall give bond, with security to be approved by the Governor, in the sum of \$20,000, conditioned for the faithful performance of his duty as such commissioner. Before entering upon the duties of his office each assistant commissioner and the secretary shall give bond, with security to be approved by the Governor in the sum of \$10,000, conditioned for the faithful performance of his duty as such assistant commissioner or secretary. Every person appointed or employed by the Commission, may, in the discretion of the Commission, before entering upon the duties of his office, be required to give bond for the faithful discharge of his duties, in such sum as the Commission may designate, which bond shall be approved by the Commission.

Bond. Of Commissioners. Asst. Commissioners. Secretary, Etc.

§ 5. The annual salary of each commissioner shall be seven thousand dollars. The annual salary of each assistant commissioner and of the secretary of the Commission shall be five thousand dollars. All officers, accountants, engineers, clerks, inspectors, experts and employees of the Commission shall receive the compensation fixed by the Commission subject to the approval of the Governor in writing.

Salaries.

Traveling Expenses, Etc.	The commissioners and their officers, accountants, engineers, clerks, inspectors, experts and other employees, shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements necessarily incurred or made by them in the discharge of their official duties. The Commission may also incur necessary expenses for office furniture, stationery, printing and other incidental expenses.
Office. Branch Office.	§ 6. The office of the Commission shall be in Springfield, but the Commission may, with the approval of the Governor, establish and maintain branch offices at places other than the seat of government. Such office shall be open for business between the hours of eight thirty in the morning and five in the evening throughout the year, and one or more responsible persons to be designated by the Commission or by the secretary under the direction of the Commission shall be on duty at all times in immediate charge thereof.
Office Hours.	
Meetings.	
Authentication. Of Records. Seal.	The Commission shall hold stated meetings at least once a month at its office and may hold such special meetings as it may deem necessary at any place within the State. The Commission may, for the authentication of its records, process and proceedings, adopt, keep and use a common seal, of which seal judicial notice shall be taken in all courts of this State; and any process, writ, notice or other paper which the said Commissioner may be authorized by law to issue shall be deemed sufficient if signed by the secretary of said Commission and authenticated by such seal; and all acts, orders, proceedings, rules, entries, minutes, schedules and records of said Commission, and all reports and documents filed with said Commission, may be proved in any court of this State by a copy thereof, certified to by the secretary of said Commission, with the seal of said Commission attached.
Fees.	§ 7. The Commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the Commission, ten cents for each folio; for certified copies of evidence and proceedings before the Commission or of official documents and orders filed in its office fifteen cents for each folio, and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility to the Commission or for each certified copy of the annual report of the Commission, one dollar. No fees shall be charged or collected for copies of papers, records or official documents furnished to any city or public officers for use in their official capacity, or for the annual reports of the Commission in the ordinary course of distribution, but the Commission may fix reasonable charges for publications issued under its authority. All fees charged and collected by the Commission shall belong to the people of the State, and shall be paid not less than ten days after the receipts
No Fees Charged Public Officials.	

of the same, accompanied by a detailed statement thereof, into the treasury of the State to the credit of the general fund.

§ 8. The Commission shall have general supervision of all public utilities, except as otherwise provided in this Act, shall inquire into the management of the business thereof and shall keep itself informed as to the manner and method in which the business is conducted. It shall examine such public utilities and keep informed as to their general condition, their franchises, capitalization, rates and other charges, and the manner in which their plants, equipment and other property owned, leased, controlled or operated are managed, conducted and operated, not only with respect to the adequacy, security and accommodation afforded by their service but also with respect to their compliance with the provisions of this Act and any other law, with the orders of the Commission and with the charter and franchise requirements.

**General Supervision.
Of Utilities.**

In case any public utility is engaged in carrying on any business other than that of a public utility, which other business is not otherwise subject to the jurisdiction of the Commission, such public utility in respect of such other business shall be subject to inquiry, examination and inspection by the Commission in the same manner as the public utility business in so far as such inquiry, examination and inspection may be necessary to enforce any provision of this Act. The determination of the Commission that a necessity for any regulation of non-public business of a public utility exists shall be *prima facie* evidence of the fact in any action in a court of this State to enforce or set aside an order or ruling of the Commission.

**Non-public
Utility Business.
Regulated
When
Necessary.**

The Commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of railroad or other public utility commissions of other states and with the Interstate Commerce Commission on any matters relating to public utilities.

**Conference
With Other
State Com-
missions.**

The Commission shall have power to adopt reasonable and proper rules and regulations relative to the exercise of its powers, and proper rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings, and to alter and amend the same.

**Power to
Adopt
Rules, Etc.**

All proceedings of the Commission and all documents and records in its possession shall be public records, except as in this Act otherwise provided. The Commission shall make an annual report to the Governor on or before the first day of December in each year, which shall contain copies of all orders issued by it, and any information in the possession of the Commission which it shall deem of value to the people of the State.

**Files Are
Public
Record.
Annual Re-
port.**

The Commission shall conduct a hearing and take testimony relative to pending legislation with respect to any

**Legislative
Investiga-
tion.**

person, corporation or matter within its jurisdiction, if requested to do so by the General Assembly or by either branch thereof, and shall report its conclusions to the General Assembly. The Commission may also recommend the enactment of such legislation with respect to any matter within its jurisdiction as it deems wise or necessary in the public interest. The Commission shall, at such times as the Governor shall direct, examine any particular subject connected with the condition and management of public utilities, and report to him in writing its opinion thereon with its reasons therefor.

**Utility Com-
pany Must
Furnish In-
formation.**

§ 9. Every public utility shall furnish to the Commission all information required by it to carry into effect the provisions of this Act, and shall make specific answers to all questions submitted by the Commission.

**Company to
Fill Blanks.**

Any public utility receiving from the Commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent or general manager of such public utility and returned to the Commission at its office within the period fixed by the Commission.

**Verified
Under Oath.****Deliver
Records,
Etc., to
Com.**

Whenever required by the Commission, every public utility shall deliver to the Commission, any or all maps, profiles, reports, documents, books, accounts, papers and records in its possession, or in any way relating to its property or affecting its business, and inventories of its property, in such form as the Commission may direct, or verified copies of any or all of the same.

**Public
Utility
Shall Obey
Orders.**

Every public utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.

Definitions.

§ 10. Unless otherwise specified, the word "Commission," when used in this Act, means the Illinois Commerce Commission, which is created and established under the provisions of this Act.

**Commis-
sioner.**

The term "commissioner," when used in this Act, means one of the members of the Commission.

**Public Util-
ity.**

The term "public utility," when used in this Act, means and includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any

court whatsoever (except, however, such public utilities as are or may hereafter be owned or operated by any transportation district or other municipality, and except such telephone company or companies which are or may hereafter be purely mutual concerns, having no rates or charges for services, but paying the operating expenses by assessment upon the members of such company or companies and no other person or persons) that now or hereafter:

Transportation District and Mutual Telephone Company Excepted.

(a) May own, control, operate, or manage, within the State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with the transportation of persons or property or the transmission of telegraph or telephone messages between points within this State; or for the production, storage, transmission, sale, delivery or furnishing of, heat, cold, light, power, electricity or water; or for the conveyance of oil or gas by pipe line; or for the storage or warehousing of grain; or for the conduct of the business of a wharfinger or that

(b) May own or control any franchise, license, permit or right to engage in any such business.

The term "common carrier," when used in this Act, includes all railroads, street railroads, express companies, private car lines, sleeping car companies, fast freight lines, steamboat lines and other common carriers by water, and every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating or managing any such agency for public use in the transportation of persons or property within the State.

Common Carrier.

The term "railroad," when used in this Act, includes every railroad other than a street railroad, by whatsoever power operated, for public use in the transportation of persons or property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, poles, wires, stations, real estate and terminal facilities of every kind, used, operated, controlled or owned by or in connection with any railroad.

Railroad.

The term "street railroad," when used in this Act, includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the transportation of persons or property for compensation, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place in any city, village or incorporated town, and including all equipment, switches, spurs, tracks, poles, wires, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind together with all real estate used, operated, controlled or owned by or in connection with any such street railroad; but the said term "street railroad," when used in

Street Railroad.

this Act, shall not include a railroad constituting or used as part of a trunk line railroad system.

Transportation of Persons.

The term "transportation of persons," when used in this Act, includes any service in connection with the receipt, carriage and delivery of the person transported and his baggage, and all facilities, used or necessary to be used in connection with the safety, comfort and convenience of the person transported.

Transportation of Property.

The term "transportation of property," when used in this Act, includes any service in connection with the receipt, carriage, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported.

Express Co.

The term "express company," when used in this Act, includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever, engaged in the transportation of freight, merchandise or other property for compensation on the route or line of any other common carrier.

Company.

The term "company," when used in this Act, in connection with a public utility, includes any corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever, owning, holding, operating, controlling or managing such a public utility, but not municipal corporations.

Corporation.

The term "corporation," when used in this Act, includes any corporation, company, association, joint stock company or association, but not municipal corporations.

Person.

The term "person," when used in this Act, includes an individual, firm or co-partnership.

Warehouse.

The term "warehouse," when used in this Act, includes all elevators or storehouses where grain is stored for a compensation, whether the property stored be kept separate or not.

Wharfinger.

The term "wharfinger," when used in this Act, includes every corporation, not municipal, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf, or structure used by vessels or other water craft in connection with or to facilitate the receipt or discharge of freight or passengers within this State.

Service.

The term "service," when used in this Act, is used in its broadest and most inclusive sense, and includes not only the use or accommodation afforded consumers or patrons, but also any product or commodity furnished by any public utility and the plant, equipment, apparatus, appliances, property and facilities employed by, or in connection with, any public utility in performing any service or in furnishing any product or commodity and devoted to the purposes in which

such public utility is engaged and to the use and accommodation of the public.

The term "rate," when used in this Act, includes every individual or joint rate, fare, toll, charge, rental or other compensation of any public utility or any two or more such individual or joint rates, fares, tolls, charges, rentals or other compensations of any public utility or any schedule or tariff thereof, and any rule, regulation, charge, practice or contract relating thereto.

Rate.

The term "city council," when used in this Act, includes the mayor and commissioners of cities which have adopted the Commission form of municipal government and the council of all other cities and the president and board of trustees of villages and incorporated towns.

City Council.

The term "city," when used in this Act, includes all villages and incorporated towns. The powers and jurisdiction conferred upon cities by Article VI of this Act shall supersede the powers and jurisdiction conferred upon the Illinois Commerce Commission, in all cases in which that article shall be adopted by cities.

City.

ARTICLE II.

REPORTS AND ACCOUNTS.

§ 11. The Commission shall have power to establish a uniform system of accounts to be kept by public utilities or to classify public utilities and to establish a uniform system of accounts for each class and to prescribe the manner in which such accounts shall be kept. It may also, in its discretion, prescribe the forms of accounts to be kept by public utilities, including records of service, as well as accounts of earnings and expenses, and any other forms, records and memoranda which in the judgment of the Commission may be necessary to carry out any of the provisions of this Act. The system of accounts established by the Commission and the forms of accounts prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the Interstate Commerce Commission, but nothing herein contained shall affect the power of the Commission to prescribe forms of accounts for such corporations, with the approval of the Interstate Commerce Commission, covering information in addition to that required by the Interstate Commerce Commission. Where the Commission has prescribed the forms of accounts to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts for such business other than those

Uniform System of Accounts.

prescribed or approved by the Commission, or those prescribed by or under the authority of any other state or of the United States.

The Commission may, from time to time, alter, amend or repeal in whole or in part, any unifor system of accounts, or the form and manner of keeping accounts.

**Non-public
Utility Ac-
counts.**

§ 12. The Commission may require every public utility engaged directly or indirectly in any other than a public utility business, as defined by law to keep separately in like manner and form the accounts of all such other business, and the Commission may provide for the examination and inspection of the books, accounts, papers and records of such other business, in so far as may be necessary to enforce any provision of this Act. The Commission shall have power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such public utility as distinguished from such other business.

**Accounts.
Income.
Operating
Expenses.
Additions
and Better-
ments.**

§ 13. Such systems of accounts shall provide for forms showing all sources of incomes, the amounts due and received from each source and the amounts expended and due for each purpose, distinguishing clearly all payments for operating expenses from those for new construction, extensions and additions and for balance sheets showing assets and liabilities and various forms of proprietary interest.

**Accounts.
Deprecia-
tion.**

§ 14. The Commission shall have power, after hearing, to require any or all public utilities to keep such accounts as will adequately reflect depreciation, obsolescence and the progress of the arts. The Commission may, from time to time, ascertain and determine and by order fix the proper and adequate rate of depreciation of the several classes of property for each public utility; and each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed.

**Audit of
Accounts
of Utilities.**

§ 15. The Commission may provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the Commission. The officers and employees of the Commission shall have authority under the direction of the Commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by such public utilities.

**Utility Must
Keep Office,
Books and
Records in
State.
Address
Filed.**

§ 16. Each public utility shall have an office in one of the cities, villages or incorporated towns in this State in which its property or some part thereof is located, and shall keep in said office all such books, accounts, papers, records and memoranda as shall be ordered by the Commission to be kept within the State. The address of such office shall be filed with the Commission. No books, accounts, papers, records or memoranda ordered by the Commission to be kept within the State shall be at any time removed from the State,

**No Books
Removed
from State.
Sec. 16**

except upon such conditions as may be prescribed by the Commission.

§ 17. Any person who shall wilfully make any false entry in the accounts, or in any record of memoranda, or by any other means or device falsify the record of any such account, record or memoranda, or who shall wilfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts in transactions appertaining to the business of the public utility, or shall keep any accounts or record other than those prescribed or approved by the Commission, shall be guilty of a misdemeanor, and upon conviction, be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars, or to both.

False Account and Records.

If any such books, accounts, records or memoranda shall have been preserved for a period of at least three years, a public utility may with the consent of the Commission destroy such of them as in the judgment of the Commission may properly be destroyed.

Keeping Unauthorized Accounts.

Penalty.

Destruction of Accounts, Etc.

§ 18. Any officer or employee of the Commission who divulges any fact or information coming to his knowledge during the course of an inspection, examination or investigation of any account, record, memorandum, book or paper of a public utility, except in so far as he may be authorized by the Commission or by a court of competent jurisdiction, or a judge thereof, shall be guilty of a misdemeanor, and upon conviction, be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars, or to both.

Information Not to Be Divulged.

Penalty.

§ 19. Each public utility in the State shall each year furnish to the Commission, in such form as the Commission shall require, annual reports as to all the items mentioned in the preceding sections of this article, and in addition such other items, whether of a nature similar to those therein enumerated or otherwise, as the Commission may prescribe. Such annual reports shall contain all the required information for the period of twelve months ending on the thirtieth day of June in each year, or ending on the thirty-first day of December in each year, as the Commission may by order prescribe for each class of public utilities, and shall be filed with the Commission at its office in Springfield within three months after the close of the year for which the report is made. The Commission shall have authority to require any public utility to file monthly reports of earnings and expenses of such utility, and to file other periodical or special, or both periodical and special reports concerning any matter about which the Commission is authorized by law to keep itself informed. All reports shall be under oath.

Annual Reports.

Other Reports May Be Required. All Reports Under Oath.

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the public utility to amend such report within

Erroneous Report.

thirty days, and before or after the termination of such period the Commission may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property of such public utility, and correct such items in the report as upon such examination the Commission may find defective or erroneous.

**Reports
Open to
Public.**

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

**Penalty for
Failure to
Report.**

Any public utility which fails to make and file any report called for by the Commission within the time specified; or to make specific answer to any question propounded by the Commission within thirty days from the time it is lawfully required to do so, or within such further time, not to exceed ninety days, as may in its discretion be allowed by the Commission, shall forfeit \$100 for each and every day it may so be in default.

**Penalty
for False
Report.**

Any person who wilfully makes any false return or report to the Commission, or to any member, officer or employee thereof, and any person who aids or abets such person shall, upon conviction, be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars, or both.

ARTICLE III.

STOCKS AND BONDS—CAPITALIZATION—INTERCORPORATE RELATIONS—FRANCHISES—VALUATION.

**Commission
to Regulate.**

§ 20. The power of public utilities to issue stocks, stock certificates, bonds, notes and other evidences of indebtedness and to create liens on their property is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the State, and such power shall be exercised by the Commission hereby created according to the provisions of this Act and under such rules and regulations as the Commission may prescribe.

**Identifica-
tion Num-
ber.**

The Commission shall provide, by serial number or other device to be placed on the face thereof, for the proper and easy identification of such stocks, stock certificates, bonds, notes and other evidences of indebtedness as may be issued by public utilities under the provisions of this article.

**Purposes for
Which Se-
curity Issues
May Be
Authorized.**

§ 21. Subject to the provisions of this Act and of the order of the Commission issued as provided in this Act, a public utility may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely: For the acquisition of property, or for the construction, extension or improvement of or addition to its facilities, or

for the discharge or lawful refunding of its obligations; or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not directly or indirectly secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the Commission for the required authorization, for any of the aforesaid purposes except maintenance of service, replacements and substitutions in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the Commission to ascertain the amounts of moneys so expended and the purposes for which such expenditures were made, and the sources of the funds in the treasury of the public utility applied to such expenditures: *Provided*, that such public utility, in addition to the other requirements of law, shall first have secured from the Commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the Commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the Commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, accounts, documents and contracts and require the filing of such data as it may deem of assistance. The public utility may be required by the Commission to disclose every interest of the directors of such public utility in any transaction under investigation. The Commission shall have power to investigate all such transactions and to inquire into the good faith thereof, to examine books, papers, accounts, documents and contracts of public utilities, construction or other companies or of firms or individuals with whom the public utility shall have had financial transactions, for the purpose of enabling it to verify any statements furnished, and to examine into the actual value of property acquired by or services rendered to such public utility. Before issuing its order the Commission, when it is deemed necessary by the Commission, shall make an adequate physical valuation of all property of the public utility, but a valuation already made under proper public supervision may be adopted, either in whole or in part, at the discretion of the Commission; and shall also examine all previously authorized or outstanding securities of the public utility, and fixed charges attached thereto.

**Authority of
Commission
Required.**

**Commission
to Investi-
gate.**

**Facts to Be
Included in
Order.**

A statement of the results of such physical valuation, and a statement of the character of all outstanding securities, together with the conditions under which they are held, shall be included in the order. The Commission may require that such information or such part thereof as it thinks proper, shall appear upon the stock, stock certificates, bond, note or other evidence of indebtedness authorized by its order. The Commission may by its order grant permission for the issue of such stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The Commission may also require the public utility to compile for the information of its shareholders such facts in regard to its financial transactions, in such form as the Commission may direct.

**Application
of Funds.**

No public utility shall, without the consent of the Commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any process thereof, to any purpose not specified in the Commission's order or to any purpose specified in the Commission's order in excess of the amount authorized for such purpose; or issue, or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. The Commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

**Account for
Disposition.**

**Short Term
Notes.**

A public utility may issue notes, for proper purposes, and not in violation of any provision of this Act or any other Act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the Commission; but no such note shall, in whole or in part, be renewed from time to time without the consent of the Commission for an aggregate period of longer than two years, or be refunded by any issue of stocks and stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the Commission.

**Capitaliza-
tion of
Franchise,
Etc., Prohib-
ited.**

The Commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise, license or permit whatsoever, or the right to own, operate or enjoy any such franchise, license, or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, license, permit or right; nor shall

any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

§ 22. The capitalization of a public utility formed by a merger or consolidation of two or more corporations shall be subject to the approval of the Commission, but in no event shall the Commission approve a capitalization exceeding the sum of the capital stock of the corporations so consolidated, at the par value thereof, and any additional sum actually paid in cash for improvements; nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger. In any reorganization of a public utility, resulting from forced sale, or in any other manner, the amount of capitalization, including therein all stocks and stock certificates and bonds, notes and other evidences of indebtedness, shall be such as is authorized by the Commission, which in making its determination, shall not exceed the fair value of the property involved. Issuance of stocks and stock certificates, and bonds, notes or other evidences of indebtedness in connection with any consolidation, merger, or reorganization shall be subject to all the terms of Section 20 and 21 of this Act.

**Merger or
Consolidation—Capitalization.**

§ 23. All stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, not payable within twelve months issued without an order of the Commission authorizing the same then in effect shall be void, unless issued upon the authority of any articles of incorporation or amendments thereto, and of a vote of the stockholders or directors, filed and taken before January 1, 1914, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness of a public utility not payable within twelve months, issued with the authorization of the Commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the Commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the Commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same with notice of the failure to comply with the order of the Commission.

**Securities
Issued Unlawfully
Void.**

§ 24. Every public utility which, directly or indirectly, issues or causes to be issued, any stock, stock certificate, bond, note or other evidence of indebtedness, in non-conformity with the order of the Commission authorizing the same, or contrary to the provisions of this Act, or which applies the proceeds from the sale thereof, or any part

Penalty.

thereof, to any purpose other than the purpose or purposes specified in the Commission's order, as herein provided, or to any purpose specified in the Commission's order in excess of the amount authorized for such purpose, shall upon conviction, be subject to a penalty of not less than five hundred dollars (\$500) nor more than twenty thousand dollars (\$20,000) for each offense.

**Unlawful
Issue of
Securities.**

§ 25. Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, issues or executes, causes to be issued or executed, or aids in the issue or execution of any stock, stock certificate, bond, note or other evidence of indebtedness, in non-conformity with the order of the Commission authorizing the same, or contrary to the provisions of this Act; or who, in any proceeding before the Commission, knowingly makes any false statement or representation, or with the knowledge of its falsity files or causes to be filed with the Commission any false statement or representation, which said statement or representation so made, filed or caused to be filed, may tend in any way to influence the Commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the Commission the making of any such order, or who, with knowledge that any false statement or representation was made to the Commission, in any proceeding, tending in any way to influence the Commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the Commission's order or to any purpose specified in the Commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this Act, negotiates, or causes the same to be negotiated, shall, on conviction thereof, be imprisoned in the State penitentiary for a term of not less than two years and not more than ten years.

**False State-
ment in Ap-
plication,
Etc.**

**Wrongful
Application
of Funds.**

Penalty.

**Securities
Not Guar-
anteed.**

§ 26. No provisions of this Act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of Illinois to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this Act; nor shall it be held or construed to imply any validation or approval by the State of past issues, nor that past or future or past and future issues represent actual value of property

owned or to be owned by a public utility or the value of such property for rate making purposes.

§ 27. Unless the consent and approval of the Commission is first obtained:

**Consent of
Commission
Necessary
in Certain
Cases.**

(a) No two or more public utilities may enter into contracts with each other that will enable such public utilities to operate their lines or plants in connection with each other;

(b) No public utility may purchase, lease, or in any other manner acquire, control, direct or indirect, over the franchises, licenses, permits, plants, equipment, business or other property of any other public utility;

(c) No public utility may assign, transfer, lease, mortgage, sell or otherwise dispose of or encumber the whole or any part of its franchises, licenses, permits, plant, equipment, business, or other property; but this shall not be construed to prevent the sale, lease, assignment or transfer by any public utility of any tangible personal property which is not necessary or useful in the performance of its duties to the public;

(d) No public utility may by any means, direct or indirect, merge or consolidate its franchises, licenses, permits, plants, equipment, business or other property with that of any other public utility;

(e) No public utility may purchase, acquire, take or receive any stock, stock certificates, bonds, notes or other evidences of indebtedness of any other public utility, except with the consent and approval of the Commission.

Procedure.

The proceedings for obtaining the authorization of the Commission provided for in this section shall be as follows: There shall be filed with the Commission a petition, joint or otherwise, as the case may be, signed and verified by the president and secretary of the respective companies or by the person or company, as the case may be, clearly setting forth the object and purposes desired, and setting forth the full and complete terms of the proposed assignment, transfer, lease, mortgage, purchase, sale, merger, consolidation, contract or other transaction, as the case may be. Upon the filing of such petition, the Commission shall, if it deems necessary, fix a time and place for the hearing thereon. After such hearing, or in case no hearing is required, if the Commission is satisfied that such petition should reasonably be granted, and that the public will be convenience thereby, the Commission shall make such order in the premises as it may deem proper and as the circumstances may require, attaching such conditions as it may deem proper, and thereupon it shall be lawful to do the things provided for in such order. The Commission shall impose such conditions as will protect the interests of minority and preferred stockholders.

Every assignment, transfer, lease, mortgage, sale, or other disposition or encumbrance of the whole or any part of the

**Acts in
Violation
Void.**

franchises, licenses, permits, plant, equipment, business or other property of any public utility, or any merger or consolidation thereof, and every contract, purchase of stock, or other transaction referred to in this section, made otherwise than in accordance with an order of the Commission authorizing the same, except as provided in this section, shall be void. The provisions of this section shall not apply to any transactions by or with a transportation district organized under the laws of this State.

**Utility Must
Be Illinois
Corpora-
tion.**

§ 28. No franchise, license, permit or right to own, operate, manage or control any public utility, except common carriers engaged in interstate commerce and except telegraph or telephone companies engaged in interstate commerce, shall be hereafter granted or transferred to any grantee or transferee other than a corporation duly incorporated under the laws of this State.

**Foreign
Corporation
Not Exempt.**

No public utility shall be in any manner exempt from the provisions of this Act because or by virtue of the fact that it may be or may have been incorporated or organized under the laws of another state, or of the United States, or of a foreign country.

**Commission
Must Ap-
prove Con-
tracts for
Assignment
of Fran-
chise, Etc.**

§ 29. No franchise, license, permit or right to own, operate, manage or control any public utility shall be assigned, transferred or leased nor shall any contract or agreement with reference to or affecting any such franchise, license, permit or right be valid or of any force or effect whatsoever, unless such assignment, lease, contract, or agreement shall have been approved by the Commission. Such permission shall not be construed to revive or validate any lapse or invalid franchise, license, permit or right, or to enlarge or add to the powers and privileges contained in the grant of any franchise, license, permit or right, or to waive any forfeiture.

The provisions of this section shall not apply to any transactions by or with a transportation district organized under the laws of this State.

Valuations.

§ 30. The Commission shall have power to ascertain the value of the property of every public utility in this State and every fact which in its judgment may or does have any bearing on such value. In making such valuation the Commission may avail itself of any information, books, documents, or records in the possession of any officer, department or board of the State or any subdivision thereof. The Commission shall have power to make revaluation from time to time and also to ascertain the value of all new construction, extensions, and additions to the property of every public utility.

**Fee for Issu-
ance of Se-
curities.**

§ 31. The Commission shall charge every public utility receiving permission under this Act for the issue of bonds, notes and other evidences of indebtedness an amount equal to ten cents for every hundred dollars of such securities

authorized by the Commission, and the same shall be paid into the State treasury before any such securities shall be issued: *Provided*, that no public utility shall be required to pay any fee for permission granted to it by the Commission in any of the following cases:

Exceptions.

(1) To guarantee bonds or other securities.

(2) To issue bonds, notes or other evidences of indebtedness issued for the purpose of converting, exchanging, taking over, refunding, discharging or retiring any bonds, notes or other evidences of indebtedness except:

(a) When issued for an aggregate period of longer than two years for the purpose of converting, exchanging, taking over, refunding, discharging or retiring any note, or renewals thereof, issued without the consent of the State Public Utilities Commission of Illinois or the Public Utilities Commission or the Illinois Commerce Commission.

(b) When issued for the purpose of converting, exchanging, taking over, refunding, discharging or retiring bonds, notes or other evidences of indebtedness issued prior to January 1, 1914, and upon which no fee has been previously paid.

ARTICLE IV.

RATES AND SERVICES—ACCIDENTS.

§ 32. All rates or other charges made, demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or for any service rendered or to be rendered, shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

Rates Must Be Just and Reasonable.

Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees, and the public and as shall be in all respects adequate, efficient, just and reasonable.

Adequate Facilities.

All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

Rules and Regulations.

§ 33. Every public utility shall file with the Commission and shall print and keep open to public inspection schedules showing all rates and other charges, and classifications, which are in force at the time for any product or commodity furnished or to be furnished by it, or for any service performed by it, or for any service in connection therewith, or performed by any public utility controlled or operated by it. Every public utility shall file with and as a part of such schedule and shall state separately all rules, regulations, terminal, icing, storage or other charges, privileges and con-

Schedules Published.

Rules Filed.

tracts that in any manner affect the rates charged or to be charged for any service. Such schedule shall be filed for all services performed wholly or partly within this State, and the rates and other charges and classifications shall not, without the consent of the Commission, exceed those in effect on July 1, 1921. But nothing in this section shall prevent the Commission from approving or fixing rates or other charges or classifications from time to time, in excess of or less than those shown by said schedules.

Joint Rates.

Where a schedule of joint rates or other charges, or classifications is or may be in force between two or more public utilities such schedules shall in like manner be printed and filed with the Commission, and so much thereof as the Commission shall deem necessary for the use of the public shall be filed in every station or office of such public utility in accordance with the terms of section 34 of this Act. Unless otherwise ordered by the Commission a schedule showing such joint rates or other charges, or classifications need not be filed with the Commission by more than one of the parties to it: *Provided*, that there is also filed with the Commission a concurrence in such schedule by each of the other parties thereto.

**Service
Contracts
Filed.**

Every public utility shall file with the Commission copies of all contracts, agreements or arrangements with other public utilities, in relation to any service, product or commodity affected by the provisions of this Act, to which it may be a party, and copies of all other contracts, agreements or arrangements with any other person or corporation affecting in the judgment of the Commission the cost to such public utility of any service, product or commodity.

**Schedules
Filed,
Notice, Etc.**

§ 34. Subject to such rules and regulations as the Commission may prescribe, the schedules referred to in section 33 shall be plainly printed, mimeographed or typewritten in large type, and a copy thereof shall be posted or kept on file in ever station or office of a public utility where the public transacts business with such public utility. Any or all of such schedules kept as aforesaid shall be immediately produced by such public utility for inspection upon the demand of any person. A notice printed in bold type, in size prescribed by the Commission, stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates or other charges, classification, rules or regulations in force, shall be kept posted by the public utility in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the Commission and shall conform in the case of common carriers subject to the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, as nearly as

**Form Pre-
scribed by
Commis-
sion.**

may be, to the form of schedules and manner of posting prescribed by the Interstate Commerce Commission under said Act: *Provided*, that in lieu of filing the entire schedule in each station or office, any public utility may, subject to the regulations of the Commission, file or keep posted at such station or office, schedules of such rates or other charges, classifications, rules and regulations relating thereto, as are applicable at, to and from the place where such office is located.

The Commission may determine and prescribe the form in which the schedules required by this Act to be filed with the Commission and to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time if it shall be found expedient: *Provided*, however, that the Commission shall endeavor to have such form or forms prescribed by it conform as far as practicable to any similar form or forms prescribed by the Interstate Commerce Commission.

§ 35. No public utility shall undertake to perform any service or to furnish any product or commodity unless or until the rates and other charges and classifications, rules and regulations relating thereto, applicable to such service, product or commodity, have been filed and published in accordance with the provisions of this Act: *Provided*, that in cases of emergency, a service, product or commodity not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which rate shall forthwith be filed and shall be subject to review in accordance with the provisions of this Act.

§ 36. Unless the Commission otherwise orders, no change shall be made by any public utility in any rate or other charge or classification, or in any rule, regulation, practice or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, except after thirty days' notice to the Commission and to the public as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules or supplements stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect, and by publication in a newspaper of general circulation or such other notice to persons affected by such change as may be prescribed by rule of the Commission. The Commission, for good cause shown, may allow changes without requiring the 30 days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

When any change is proposed in any rate or other charge, or classification, or in any rule, regulation, practice, or contract, relating to or affecting any rate or other charge,

**Rates Must
Be Filed.**

**Emergency
Rates.**

**Changes in
Rates or
Service.**

Notice.

**Proposed
Changes to
Be Indi-
cated.**

Sec. 36

classification or service, or in any privilege or facility, such proposed change shall be plainly indicated on the new schedule filed with the Commission, by some character to be designated by the Commission, immediately preceding or following the item.

Power to Investigate Rates.

Whenever there shall be filed with the Commission any schedule stating an individual or joint rate or other charge, classification, contract, practice, rule or regulation, the Commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate or other charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon, such rate or other charge, classification, contract, practice, rule or regulation shall not go into effect. The period of suspension of such rate or other charge, classification, contract, practice, rule or regulation shall not extend more than one hundred and twenty days beyond the time when such rate or other charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the Commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the Commission shall establish the rates or other charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates or other charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the Commission, or of such lesser time as the Commission may grant, go into effect and be the established and effective rates or other charges, classifications, contracts, practices, rules and regulations, subject to the power of the Commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same. Within thirty days after such changes have been authorized by the Commission, copies of the new or revised schedules shall be posted or filed in accordance with the terms of Section 34 of this Act, in such a manner that all changes shall be plainly indicated.

Suspension and Re-suspension.

Power to Fix Rates.

Rates Not Suspended Effective in Thirty Days.

Uniform Rate as Filed to Be Charged.

§ 37. Except as in this Act otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product, or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates or other charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, except as provided in Section 35, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by

any device, any portion of the rates or other charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons.

§ 38. No public utility shall, as to rates or other charges, services, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or other charges, services, facilities, or in any other respect, either as between localities or as between classes of service.

Every public utility shall, upon reasonable notice, furnish to all persons who may apply therefor and be reasonably entitled thereto, suitable facilities and service, without discrimination and without delay.

§ 39. No public utility, or any officer or agent thereof, or any person acting for or employed by it shall directly or indirectly, by any device or means whatsoever, suffer or permit any corporation or person to obtain any service, commodity, or product at less than the rate or other charge then established and in force as shown by the schedules filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device or means whatsoever, whether with or without the consent or connivance of a public utility or any of its officers, or employees, seek to obtain or obtain any service, commodity, or product at less than the rate or other charge then established and in force therefor. Nothing in this Act contained shall be construed to prevent any railroad or transportation company from selling or granting transportation or transportation privileges to the owner or owners of any newspaper or magazine of general circulation in payment of or in exchange for advertising space in such newspaper or magazine, at the full value thereof; and nothing in this Act contained shall be construed to prevent the issuance of free or reduced transportation by any street railroad corporation to mail carriers, policemen and members of fire departments, and nothing in this Act contained shall be construed to prevent any railroad or transportation company from granting reduced rates for the transportation of any material or commodity to be used in the construction, maintenance or repair of public highways in the State. If prior to June 30, 1913, any real estate or other tangible property shall have been sold or transferred to any public utility or public service corporation, or if before that date, any obligation of any public utility or public service corporation created in consideration of the transfer to it of any real estate or other tangible property, shall have been released or cancelled, upon consideration in whole or in part of an agreement by such public utility or public ser-

Discrimination Prohibited. In Rates and Service.

Discrimination Not to Be Permitted.

R. R. Transportation Exchanged for Adv. Space.

Reduced Rates for Highway Material.

Conveyances Upon Condition of Services to Be Rendered Exempted from Operation of This Act.

vice corporation expressed in writing to render any service, or furnish any commodity or product in the future to the party or parties making such conveyance or transfer or owning such obligation, nothing in this Act contained shall be construed to in any wise affect such agreement or to prevent the performance or enforcement thereof according to its terms, or to authorize the Commission to interfere with such performance or enforcement.

**Long and
Short Haul.**

§ 40. No common carrier subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction within this State, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul. Upon application to the Commission, any common carrier, may, in special cases, after investigation, be authorized by the Commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the Commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

Exceptions.

**Telephone.
Long and
Short Haul
Clause.**

No telephone or telegraph company subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within the State, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rate or tolls; but this shall not be construed as authorizing any such telephone or telegraph company to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the Commission, a telephone or telegraph company may, in special cases, after investigation, be authorized by the Commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the Commission may from time to time prescribe the extent to which such telephone or telegraph company may be relieved from the operation and requirements of this section.

Exceptions.

**General
Provisions.**

No other public utility shall without the consent of the Commission, charge or receive any greater compensation in the aggregate for a lesser commodity, product, or service than for a greater commodity, product or service of like character. The Commission may require telephone companies to file with it, maps or plats of their lines in this State

and schedules showing the direct routing of all messages over their lines between points in this State; and may, upon investigation, fix such rates based upon distance and service.

§ 41. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates or other charges, or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, contracts, or practices, or any of them, affecting such rates or other charges, or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in any wise in violation of any provisions of law, or that such rates or other charges or classifications are insufficient, the Commission shall determine the just, reasonable or sufficient rates or other charges, classifications, rules, regulations, contracts or practices to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

**Power to
Fix Rates.**

The Commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate or other charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates or other charges, classifications, rules, regulations, contracts and practices, or any thereof of any public utility, and to establish new rates or other charges, classifications, rules, regulations, contracts or practices or schedule or schedules, in lieu thereof. Nothing in this section or Act shall be construed to repeal "An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State, and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict therewith," approved May 27, 1907, in force July 1, 1907.

**Passenger
Fares on
R. R. Ex-
cepted.**

§ 42. Whenever the Commission after a hearing had upon its own motion or upon complaint, shall find that the rates or other charges or classifications in force over two or more common carriers, between any two points in this State, are unjust, unreasonable, or excessive, or that no satisfactory through route or joint rate or other charge, or classification exists between such points, and that the public convenience and necessity demand the establishment of a thorough route and joint rate or other charge, or classification between such points, the Commission may order such common carriers to establish such through route and may establish and fix a joint rate or other charge, or classification which will be just and reasonable, to be followed, charged, enforced, demanded and collected in the future, and the terms and conditions under which such through route shall be operated. The

Joint Rates.

Freight Transfers.

Commission may order that freight moving between such points shall be carried by the different common carriers, parties to such through route and joint rate, without being transferred from the originating cars. In case the common carriers do not agree upon the division between them of the joint rates or other charges established by the Commission over such through routes, the Commission shall, after hearing, by supplemental order, establish such division. Where any railroad which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad shall have the right to require as its division of the joint rate or other charge its local rate or other charge over the portion of its lines comprised in such through route, and the Commission may, in its discretion, allow to such railroad more than its local rate or other charge whenever it will be equitable so to do. The shipper shall have the right to route his freight whenever through rate shall have been established either by the Commission or by the common carrier.

Division of Rates.**Routing Shipments.****Joint Rates in General.**

The Commission shall also have power, after a hearing had upon its own motion or upon complaint, to order any other public utilities to establish and fix reasonable and sufficient joint rates or other charges, or classifications. In case such public utilities do not agree upon the division between them of such joint rates or other charges the Commission shall, after hearing, establish such division by supplemental order.

Interstate Rates—Power to Investigate.

§ 43. The Commission shall have the power to investigate all existing or proposed inter-state rates or other charges, and classifications, and all rules and practices in relation thereto, of any public utility, where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the Commission, excessive or discriminatory or in violation of the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, or of any other Act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the Commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

Petition to Interstate Commerce Commission.**Common Carriers to interchange Passengers and Freight.**

§ 44. Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad company shall receive from

every other railroad company having the same gauge track, at any point of connection, freight cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated or controlled by such railroad company, or to point of transfer according to route billed, if the destination be upon the line of some other railroad company. But nothing in this Act shall be construed as requiring any common carrier to give the use of its terminal facilities to another common carrier engaged in like business.

**Terminal
Facilities
Excepted.**

Every telephone company and telegraph company operating in this State shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph company with which a joint rate has been established or with whose line a physical connection may have been made.

**Telephone
Cos. to In-
terchange
Messages.**

§ 45. Every railroad company, upon the application of any corporation or person being a shipper or receiver or contemplated shipper or receiver of freight, or of any corporation, person or municipal corporation owning, operating or controlling any wharf or harbor facilities, for a connection between the railroad of such railroad company and any existing or contemplated track, tracks or railroad of such corporation, person or municipal corporation, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover: *Provided*, that such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad company over such connection is sufficient to justify the expense of such connection to such railroad company.

**Physical
Connection
Between
Railroads.**

Under the conditions specified in the above proviso every railroad company, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

**Spur
Tracks.**

Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad company for a connection or spur as provided in this section, and that the railroad company has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him, such connection or spur and the maintenance and use of the same upon reasonable terms which the Commission shall have the power to prescribe. Whenever any such connection or spur has been so provided, any corporation or person shall be entitled to con-

**Commission
Authorized
to Order
Spur
Tracks.**

**Connection
with Spur
Tracks.**

nect with the track, tracks or railroad thereby connected with the railroad of the railroad company, and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expenses of such track, tracks or railroad, or the connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the Commission after notice to the interested parties and a hearing thereon: *Provided*, that such connection and use can be made without unreasonable interference with the rights of the party or parties incurring such primary expense. The Commission shall likewise have the power to require one railroad company to switch its private spurs and industrial tracks upon its own railroad the cars of a connecting railroad company and to prescribe the terms and compensation for such service.

**Physical
Connections
Between
Railroads.**

**Street
Railways.**

§ 46. Whenever the Commission shall find, after a hearing made upon complaint or upon its own motion, that the public convenience and necessity would be subserved by having track connections made, between any two or more railroads, or between any two or more street railroads, the Commission shall order any such railroads or street railroads of the same or similar guage to make physical connection at any and all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, and at all towns or cities where two or more railroads enter the limits of the same, so that the cars of any such railroad company may be speedily transferred from one railroad to another, and shall order whether the expense thereof shall be borne jointly or otherwise.

**Physical
Connection
Between
Telephone
or Tele-
graph Cos.**

§ 47. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall determine that public convenience and necessity require a physical connection for the establishment of a continuous line of communication between any two or more public utilities for the conveyance of messages or conversations, the Commission may, by order, require that such connection be made. If such public utilities do not agree upon the division between them of the cost of such physical connection or connections, the Commission shall have authority, after further hearing, to establish such division by supplemental order.

**Joint Use
of Facilities.**

§ 48. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other property or equipment, or any part thereof, on, over or under any street or highway, belonging to another public utility, and that such use will not prevent the owner or other users thereof from performing their public duties nor result in irreparable injury to such owner or other users of such conduits, subways, tracks, wires, poles,

pipes or other property or equipment, or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the Commission may, by order, direct that such use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for such joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other property or equipment, for such damage as may result therefrom to the property of such owner or other users thereof.

§ 49. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the Commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, furnished, constructed, enforced or employed and it shall fix the same by its order, decision, rule or regulation. The Commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility.

§ 50. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the Commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made, or such structure or structures be erected in the manner and within the time specified in said order. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the Commission has ordered to be erected, require joint action by two or more public utilities, the Commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that the same shall be made at the joint cost whereupon the said public utilities shall have such reasonable time as the Commission may grant within which to agree upon the apportionment or division of cost of such additions, extensions,

**Power to
Fix Rules
and Regula-
tions.**

**Extensions
and Im-
provements.**

**Joint
Action Re-
quired.**

Apportionment of Expenses.

repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the Commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the Commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

Additional Transportation Facilities.

§ 51. Whenever the Commission after a hearing had upon its own motion or upon complaint, shall find that any railroad or street railroad company does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger, or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the Commission shall have power to make an order directing any such railroad or street railroad company to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train, or car, to change the stopping place or places thereof, or to make any other order that the Commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger, or freight, transported or offered for transportation.

Change in Time Table.

Distribution of Cars.

§ 52. Every railroad company shall, when within its power to do so, and upon reasonable notice, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight in carload lots, and shall use reasonable diligence in moving freight and making deliveries thereof. In case of insufficiency of cars at any time to meet all requirements, such cars as are available shall be distributed among the several applicants therefor in proportion to their respective immediate requirements without discrimination between shippers, localities or competitive or non-competitive places: *Provided, however,* that preference may be given to shipments of live stock and perishable property. The Commission, after a hearing upon its own motion or upon complaint, may issue orders concerning the distribution of cars.

Preference to Live Stock and Perishables.

Demurrage, Storage and Icing Rates.

The Commission shall have power to fix and establish reasonable rates, rules and regulations regarding demurrage, storage, icing and all other charges incident to the transportation of property, and to fix and establish reasonable switching rules and regulations, and to establish rea-

sonable limits for said switching and reasonable rates therefor; and shall have power to provide proper rules and regulations regarding the time within which all railroads shall furnish after demand therefor, all cars, equipment and facilities necessary for the handling of freight, in carload and less than carload lots, the time within which consignors and persons ordering cars shall load the same, and the time within which consignees and persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide penalties to be paid for failure on the part of the railroads, consignors and consignees to conform to such rules. The Commission shall also have the power to provide the time within which express packages shall be received, gathered, transported and delivered at destination, and the limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge.

**Switching
Rates.**

**Rules Gov-
erning Ex-
press Com-
panies.
Telephone
and Tele-
graph Mes-
sages.**

**Regulation
of Freight
Weights.**

The Commission shall have power to enforce reasonable regulations for the weighing of cars, and of freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight on cars.

**Rules Gov-
erning Con-
tracts.**

§ 53. The Commission is authorized to make rules and regulations concerning the conditions to be contained in and become a part of contracts for public utility services, and any and all services concerning the same, or connected therewith.

**Receipt
Forms.**

The Commission shall have authority to prescribe a form of receipt for each shipment by express, also a form of receipt for moneys paid for charges for the transportation by express of any article or thing, to be given upon receipt, or upon the payment of such charges.

**Express Co.
Receipt
Forms.**

Upon demand of a shipper each receiving or forwarding express company shall be required to furnish a receipt or other evidence in writing, in such form as may be prescribed by or approved by said Commission, stating the quantity, character, weight, order and condition of goods or articles tendered for shipment, and said express companies shall in like manner execute and furnish upon demand a receipt for the charges paid on any shipment, which shall cover substantially the following items: Date of shipment, name of consignor, name of connecting line or express company, name or description of each article or package covered by or in such receipt; the graduated scale or rate employed in making the rate or charge on such article or package, separately; the amount of charge on each article or package; the amount of advanced charges (if any); the sum total of charges to be paid by the consignee. And any such express company is hereby prohibited from including in any such receipt for shipments to

**Restriction
of Liability.**

Sec. 53

	<p>be made any restriction or evasion of the common law liability of such carrier.</p> <p>§ 54. The Commission shall have power to ascertain, determine and fix for each kind of public utility suitable and convenient standard commercial units of service, product or commodity, which units shall be lawful units for the purposes of this Act; to ascertain, determine and fix adequate and serviceable standards for the measurements of quantity, quality, pressure, initial voltage or other condition pertaining to the performing of its service or to the furnishing of its product or commodity by any public utility, and to prescribe reasonable regulations for examining, measuring and testing such service, product or commodity, and to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for examining, measuring, or testing such service, product or commodity. The Commission may purchase such materials, apparatus and standard measuring instruments as it deems necessary to carry out the provisions of this section.</p>
Standard Units of Service.	
Testing Service.	
Inspection of Testing Service.	<p>The Commission shall provide for the inspection of the manner in which every public utility conforms to the reasonable regulations prescribed by the Commission for examining, measuring and testing its service, product or commodity, and the Commission may supplement such inspections by examining, measuring and testing the service, product or commodity of any public utility. Any consumer or user may have tested any appliance for examining, measuring or testing any such service, product or commodity upon payment of the fees fixed by the Commission. The Commission shall declare and establish reasonable fees to be paid for examining and testing such appliances on the request of consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the measuring appliance be found unreasonably defective or incorrect to the disadvantage of the consumer or user.</p>
Consumers May Have Test Made.	
Fees for Tests.	
Power to Enter for Purpose of Test.	<p>The Commissioner, its officers, agents, experts or inspectors and employees shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this Act, and to set up and use on such premises, any apparatus and appliances and occupy reasonable space therefor.</p> <p>§ 54a. The Commission shall require that every public utility furnishing natural or artificial gas, electricity or water to the public, where the individual consumption is measured by meter, shall, upon written request of any consumer, cause the meter reader at the time of reading such consumer's meter to leave at such meter a card showing the present reading of the meter, the last previous reading, and the dates of such two readings.</p>
Meter Cards.	

§ 55. No public utility shall begin the construction of any new plant, equipment, property or facility which is not in substitution of any existing plant, equipment, property or facility or in extension thereof or in addition thereto, unless and until it shall have obtained from the Commission a certificate that public convenience and necessity require such construction.

Certificate of Convenience and Necessity.

No public utility not owning any city or village franchise nor engaged in performing any public service or in furnishing any product or commodity within this State and not possessing a certificate of public convenience and necessity from the State Public Utilities Commission or the Public Utilities Commission, at the time this Act goes into effect shall transact any business in this State until it shall have obtained a certificate from the Commission that public convenience and necessity require the transaction of such business.

Whenever after a hearing the Commission determines that any new construction or the transaction of any business by a public utility will promote the public convenience and is necessary thereto it shall have the power to issue certificates of public convenience and necessity.

Power to Issue Certificate.

Such certificates may be altered or modified by the Commission, upon its own motion or upon application by the person or corporation affected. Unless exercised within a period of two years from the grant thereof authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void.

Alteration of Certificate.

Void if Not Used in Two Years.

No certificate of public convenience and necessity shall be construed as granting a monopoly or an exclusive privilege, immunity or franchise.

Grants No Monopoly.

§ 55a. No person shall operate any motor vehicle, along or upon any public street or highway in this State, for the carriage of passengers for hire, indiscriminately accepting and discharging such persons as may offer themselves for transportation, along the course on which such vehicle is operated, or for the carriage of freight for hire, indiscriminately accepting and delivering such freight, as may be offered for transportation along such course, unless he shall—

Motor Vehicle Insurance or Indemnity Bond.

(1) File with the Commission, a sworn statement of his ability to pay all damages which may result from any and all accidents due to the negligent use or operation of such vehicle; or

(2) File with the Commission security, indemnity or a bond guaranteeing the payment by him of all such damages; or

(3) Insure to a reasonable amount his liability to pay such damages; and unless he shall

(4) File with the Commission, as often as the Commission shall in writing demand, in form prescribed by the

Commission, evidence of his compliance with the provisions of this section.

**Two or
More Vehi-
cles.**

And in case one person operates two or more motor vehicles for such purpose or purposes, he shall file proof of his ability to pay damages, or security, indemnity or bond or insurance against damages, to the amount of ten thousand dollars (\$10,000) for each motor vehicle so operated, and shall make such proof or furnish such security, indemnity, bond or insurance to cover all the motor vehicles at one and the same time.

**Bond or Ins.
to Be Ap-
proved.**

§ 55b. The sworn statement of financial ability, security, indemnity, bond or amount of insurance, shall be subject to the approval of the Commission, and upon the approval thereof, the Commission shall send a written notice of such approval to the person submitting the same for approval. The filing with the Commission of evidence of compliance with Section 55a of this Act shall constitute such compliance until ten days after written notice of disapproval thereof has been sent by the Commission to the person submitting such evidence.

**Approval
Refused—
Appeal.**

§ 55c. When ever the Commission refuses to approve the sworn statement of financial ability, security, indemnity, bond or amount of insurance, above mentioned, the person presenting such for approval may, within thirty days thereafter, file a petition in the circuit court of Sangamon County, against the Commission as defendant, alleging therein under oath and in brief detail, the plaintiff's right to operate such motor vehicle in the manner mentioned in Section 55a hereof, and praying that the Commission be required to approve such sworn statement of financial ability, security, indemnity, bond or amount of insurance. The court may make such orders and decrees as the equities and exigencies of the case may require. Judgment against the plaintiff shall be final, but shall not bar his right to file new statements or documents under the provisions of this Act.

**Accident
Reports to
Be Filed.**

§ 56. Every public utility shall file with the Commission, under such rules and regulations as the Commission may prescribe, a report of every accident occurring, or that may occur, to or on its plant, equipment, or other property of such a nature as to endanger the safety, health or property of any person: Whenever any accident occasions the loss of life or limb to any person, such public utility shall immediately give notice to the Commission of the fact by the speediest means of communication, whether telephone, telegraph or post.

**Investiga-
tion of Acci-
dents.**

The Commission shall investigate all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the Commission, investigation by it, and shall have the power

to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable. Neither the order or recommendation of the Commission nor any accident report filed with the Commission shall be admitted in evidence in any action for damages based on or arising out of the loss of life, or injury to person or property, in this section referred to.

**Reports Not
Evidence in
Damage
Suit.**

§ 57. The Commission shall have power, after a hearing and upon its own motion, or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to maintain and operate its plant, equipment or other property in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

**Safety
Rules and
Regulations.**

**Safety
Devices—
Interlock-
ers, Etc.**

Whenever it shall come to the knowledge of the Commission that the equipment or appliances, or the apparatus, track, bridges, trestles or other structures of any common carrier are out of repair or in an unsafe condition, it shall, after an investigation, give notice in writing to the common carrier of the improvements and changes deemed necessary to place the same in a safe condition, and shall recommend to the common carrier that it make such repairs, changes, improvements or new constructions as the Commission shall deem necessary to the safety of persons and property being transported thereon. The Commission shall give such common carrier an opportunity for a full hearing, and unless the common carrier shall satisfy the Commission that no action is required to be taken with respect to any or all of such matters the Commission shall fix a time within which repairs, changes, improvements or new construction deemed by it necessary shall be made. The Commission may also prescribe the rate of speed for trains or cars passing over defective tracks, bridges, trestles or other structures until repairs or new construction required are made; and may, if, in its opinion, it is needful or proper, forbid the running of trains or cars over any defective track, bridge, trestle or other structure until the same be repaired and placed in a safe condition.

**Repairs May
Be Ordered.**

**Speed Rules
on Defective
Tracks.**

§ 58. No public road, highway, or street shall hereafter be constructed across the track of any railroad company at grade, nor shall the track of any railroad company be constructed across a public road, highway or street at grade, nor shall the track of any railroad company be constructed

**Highway
Grade
Crossings.**

Existing Roads, Etc.	<p>across the track of any other railroad or street railroad company at grade, nor shall the track of a street railroad company be constructed across the track of a railroad company at grade, without having first secured the permission of the Commission. <i>Provided</i>, that this section shall not apply to the replacement of lawfully existing roads, highways and tracks. The Commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. The Commission shall have power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each such grade crossing.</p>
Powers of Commission Over.	<p>The Commission shall also have power, after a hearing, to alter or abolish any grade crossing, heretofore or hereafter established, when in its opinion the public safety requires such alteration or abolition; or to require a separation of grades at such crossings; or to require a separation of grades at any proposed crossing where a proposed public highway may cross the tracks of any railroad or railroads; and to prescribe, after a hearing of the parties, the terms upon which such separation shall be made and the proportion in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad companies affected, or between such companies and the State, county, municipality or other public authority in interest: <i>Provided</i>, that nothing in this Act shall be construed to repeal "an Act in relation to the crossing of one railroad by another," approved May 25, 1907, in force July 1, 1907.</p>
Abolishing Grade Crossings.	<p>The Commission shall also have power by its order to require the reconstruction, alteration, relocation or improvement of any crossing (including the necessary highway approaches thereto) of any railroad across any highway or public road, whether such crossing be at grade or by overhead structure or by subway, whenever the commission finds after a hearing that such reconstruction, alteration, relocation or improvement is necessary to preserve or promote the safety of the public or of the employees or passengers of such railroad. By its original order or supplemental orders in such case, the Commission may direct such reconstruction, alteration, relocation or improvement to be made in such manner and upon such terms and conditions as may be reasonable and necessary and may apportion the cost of such reconstruction, alteration, relocation or improvement between the railroad company or companies and other public utilities affected, or between such company or companies and other public utilities and the State, county, municipality, or other public authority in interest. The cost to be so apportioned shall include the cost of changes or alterations in the equipment of other public utilities affected</p>
Separation of Grades.	
Division of Costs.	
Crossings, Reconstruction, Relocation or Improvement.	
Terms. Apportionment of Costs.	

as well as the cost of the relocation, diversion or establishment of any public highway, made necessary by such reconstruction, alteration, relocation or improvement of said crossing.

Whenever the Commission, after a hearing, shall find it necessary for the reconstruction, alteration, relocation or improvement of any such crossing or its necessary approaches as aforesaid, or for the abolishment of any such crossing, to relocate, divert, or establish any highway or public road, or to acquire additional property for any such purpose, it may direct the railroad company or companies to acquire, and the railroad company or companies shall acquire, the necessary additional property for such purposes by purchase or, when the price to be paid can be agreed upon with the owner thereof, in the manner provided by the law of eminent domain; or the Commission may certify such finding to the highway commissioners of the town or road district concerned. Every railroad company operating in the State of Illinois shall construct and maintain every highway grade crossing over its tracks within the State so that the roadway at the intersection shall be flush with the rails, and, unless otherwise ordered by the Commission, shall construct and maintain the approaches thereto at a grade of not more than five (5) per cent within the right of way for a distance of not less than twenty-five (25) feet on each side of such tracks; *provided*, that the grades at the approaches may be maintained in excess of five (5) per cent only when authorized by the Commission.

Every railroad operating within the State of Illinois shall remove from its right of way at all grade crossings within the State, all brush, shrubbery and trees for a distance of not less than five hundred (500) feet in either direction from each grade crossing.

Every railroad operating within the State of Illinois shall maintain in a conspicuous place at every grade crossing on its lines in this State outside of cities on both sides of the tracks except when otherwise ordered and at such points as directed by the Illinois Commerce Commission within the right of way of such railroad, at grade crossings not designated as extra hazardous by the Commission such standard signs as the Illinois Commerce Commission shall determine.

At all such grade crossings in the State as may be designated by the Commission as extra hazardous, but at no others, every railroad operating within the State of Illinois shall, within thirty days after the issuance of an order by the Illinois Commerce Commission directing it so to do, erect and thereafter maintain such standard stop signs as said Commission shall determine are necessary, provided that no such sign shall be ordered or permitted by the Commission where there is a clear view from the

**Power to
Order Util-
ity to Ac-
quire Real
Estate.**

**Grade
Crossing
Approaches.**

**Obstruc-
tions Re-
moved.**

**Crossing
Signs.**

**Extra
Hazardous
Crossings.**

**Night
Lights.**

highway of approaching trains on such railroad tracks for at least five hundred (500) feet in each direction from the crossing at all points on the highway within a distance of two hundred (200) feet of such crossing. The Commission shall have power to require such signs to be lighted at night or to be accompanied by red warning lights whenever in the opinion of the Commission such additional precautions are reasonably necessary for the public safety.

**Defacing
Signs—
Penalty.**

Any person who unlawfully removes, throws down, injures or defaces any sign required in this section, shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

**Eminent
Domain.**

§ 59. When necessary for the construction of any alterations, additions, extensions or improvements ordered or authorized under sections 50 or 58 or subdivision (a) of section 81 of this Act, any public utility may enter upon, take or damage private property in the manner provided for by the law of eminent domain.

ARTICLE V.**PROCEEDINGS BEFORE THE COMMISSION AND IN THE COURTS.****Hearings
Authorized.**

§ 60. The Commission, or any commissioner, assistant commissioner, or officer of the Commission designated by the Commission, shall have power to hold investigations, inquiries and hearings concerning any matters covered by the provisions of this Act, or by any other Acts, relating to public utilities subject to such rules and regulations as the Commission may establish. In the conduct of any investigation, inquiry or hearing neither the Commission nor any commissioner, assistant commissioner or officer of the Commission shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony before the Commission, any commissioner, assistant commissioner or an officer of the Commission shall invalidate any order, decision, rule or regulation made, approved, or confirmed by the Commission. All hearings conducted by the Commission shall be open to the public.

**Rules of
Evidence
Not Binding.****No Error in
Informality.****Hearings
Public.****Oaths,
Power to
Administer.****Subpoenas,
Etc.****Hearings,
by Whom
Held.**

Each commissioner, each assistant commissioner, the secretary of the Commission, and every officer of the Commission designated by it to hold any inquiry, investigation or hearing, shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, accounts and documents.

Hearings shall be held either by the Commission or by one or more commissioners, or assistant commissioners. All evidence presented at hearings held by the Commission or under its authority shall become a part of the records of the Commission. In all cases in which the Commission bases

any action on reports of investigations or inquiries not conducted as hearings, such reports shall be made a part of the records of the Commission.

§ 61. No person shall be excused from testifying or from producing any papers, books, accounts or documents in any investigation or inquiry or upon any hearing ordered by the Commission when ordered to do so by the Commission or any commissioner, assistant commissioner, or officer of the Commission, upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before the Commission or a commissioner, assistant commissioner, or an officer of the Commission: *Provided*, that such immunity shall extend only to a natural person, who in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise under oath. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

§ 62. All subpoenas issued under the terms of this Act may be served by any person of full age. The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance, when the witness is subpoenaed at the instance of the Commission, or any commissioner or assistant commissioner; and the disbursements made in the payment of such fees shall be audited and paid in the same manner as are other expenses of the Commission. Whenever a subpoena is issued at the instance of a complainant, respondent, or other party to any proceeding before the Commission, the Commission may require that the cost of service thereof and the fee of the witness shall be borne by the party at whose instance the witness is summoned, and the Commission shall have power, in its discretion, to require a deposit to cover the cost of such service and witness fees and the payment of the legal witness fee and mileage to the witness when served with subpoena. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.

Any person who shall be served with a subpoena to appear and testify, or to produce books, papers, accounts or documents, issued by the Commission or by any commissioner, assistant commissioner or officer of the Commission, in the course of an inquiry, investigation or hearing conducted under any of the provisions of this Act, and who shall refuse or neglect to appear, or to testify, or to produce books, papers, accounts and documents relevant to said inquiry,

**Reports
Part of
Record.**

**No Excuse
from Testi-
fying.**

**Incrimina-
tion.**

**Immunity
from
Prosecution.**

Perjury.

**Subpoena,
by Whom
Served.
Witness
Fees.**

Costs.

**Service of
Subpoenas.**

**Failure of
Witness to
Appear.**

**Misde-
meanor.**

investigation or hearing as commanded in such subpoena, shall be guilty of a misdemeanor.

**Compelling
Witness to
Testify.**

Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of the Commission, or a commissioner, assistant commissioner or officer of the commission, may, in his discretion, compel the attendance of witnesses, the production of books, papers, accounts and documents, and the giving of testimony before the Commission, or before any such commissioner, assistant commissioner, or officer, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said court.

Contempt.

Depositions.

The Commission or a commissioner, assistant commissioner, or officer of the Commission or any party may in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the courts of this State and to that end may compel the attendance of witnesses and the production of papers, books, accounts and documents.

**Document-
ary Evi-
dence.**

The Commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this State at such time and place as it may designate, of any books, accounts, papers or documents kept by any public utility operating within this State in any office or place without this State, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the Commission or under its direction.

**Inspection
of Books
and Prop-
erty of
Utility.**

§ 63. The Commission, each commissioner, assistant commissioner and each officer and employee of the Commission properly authorized thereby shall have the right, at any and all times to inspect the papers, books, accounts and documents, plant, equipment or other property of any public utility, and the Commission, each commissioner, assistant commissioner, and any officer of the Commission authorized to administer oaths shall have power to examine under oath any officer, agent or employee of such public utility in relation to any matter within the jurisdiction of the Commission. A person other than a commissioner, or assistant commissioner demanding such inspection shall produce under the seal of the Commission his authority to make such inspection. A written record of the testimony or statement so given under oath shall be made and filed with the Commission. Information so obtained shall not be admitted in evidence or used in any proceeding except in proceedings provided for in this Act.

**Examina-
tion Under
Oath.**

**Record
Kept.**

**Not Evi-
dence in
Any Other
Proceeding.**

**Right of
Party to
Inspect
Records.**

Sec. 63

Any party to a proceeding before the Commission shall have the right to inspect the records of all hearings, investigations or inquiries conducted by or under the authority of the Commission, which may relate to the issues involved in

such proceeding ; and to submit suggestions as to other matters to be investigated or as to questions to be propounded. If the Commission is satisfied that such suggested investigation should be made or such suggested questions answered, and that the information desired is within the power of either party to furnish, it shall enter an order requiring the investigation to be made or the questions to be answered, and upon failure or refusal to comply with such order, the Commission shall either refuse to grant the relief prayed for by the party refusing to comply, or may grant the relief prayed for by the opposing party against the party refusing to comply.

§ 64. Complaint may be made by the Commission, of its own motion or by any person or corporation, chamber of commerce, board of trade, or any industrial, commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation by petition or complaint in writing, setting forth any act or things done or omitted to be done in violation, or claimed to be in violation, of any provision of this Act, or of any order or rule of the Commission. In the discretion of the Commission, matters presented by one complaint may be ordered separated, and matters upon which complaint may be founded may be joined. No objection shall be sustained to a separation merely because the matters separated are under the ownership, control or management of the same persons or corporation. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Upon the filing of a complaint the Commission shall cause a copy thereof to be served upon the person or corporation complained of which shall be accompanied by a notice requiring that the complaint be satisfied and answered within a reasonable time to be specified by the Commission, or within the discretion of the Commission, by a notice fixing a time when and place where a hearing will be had upon such complaint. Notice of the time and place shall also be given to the complainant and to such other persons as the Commission shall deem necessary. The Commission shall have authority to hear and investigate any complaint notwithstanding the fact that the person or corporation complained of may have satisfied the complaint.

The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint except as herein provided. Service in all hearings, investigations, and proceedings before the Commission may be made upon any person upon whom a summons may be served in accordance with the provisions of "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, and may be made personally or by mailing same in the United States mail in a sealed envelope, registered, with postage prepaid. The

**Complaint—
By Whom
Made.**

**Separation
and Consoli-
dation of
Cases.**

**Direct
Damage Un-
necessary.**

**Service of
Complaint.**

**Notice of
Hearings.
Service.**

**Applies to
All Hear-
ings.**

**Public
Utility as
Complain-
ant.**

**City as
Complain-
ant.**

**Notice to
Be Given
Cities.**

**Service
Upon City
Clerk and
City Atty.**

**Hearing on
Complaint.**

**Order
Served.**

**When
Operative.**

**Additional
Time.**

**Record to
Be Pre-
served.**

**Stenogra-
pher.**

**Record on
Appeal.**

provisions of this section as to notice shall apply to all hearings held by the Commission or under its authority.

Any public utility shall have a right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases.

All cities shall have power to appear as complainants or to make application before the Illinois Commerce Commission for an inquiry, investigation or hearing relating to the rates or other charges or services of public utilities within such city; and in case of any inquiry, investigation or hearing by or before the Illinois Commerce Commission on any matter relating to the rates or other charges or services within any city, the city shall receive written notice not less than ten days before such inquiry, investigation or hearing, and shall be entitled to appear and present evidence relating to the subject-matter of such inquiry, investigation or hearing. Such notice shall be served upon the city clerk, and upon the city attorney or head of the law department of the city.

§ 65. At the time fixed for any hearing upon a complaint, the complainant and the person or corporation complained of, and such persons or corporations as the Commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The Commission shall issue process to enforce the attendance of all necessary witnesses. At the conclusion of such hearing the Commission shall make and render findings concerning the subject-matter and facts inquired into and enter its order based thereon. A copy of such order, certified under the seal of the Commission, shall be served upon the person or corporation complained of, or his or its attorney, which order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the Commission. Where an order cannot, in the judgment of the Commission, be complied with within twenty days, the Commission may prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record shall be preserved of all proceedings had before the Commission, or any member thereof, or any assistant commissioner, on any formal hearing had, and all testimony shall be taken down by a stenographer appointed by the Commission, and the parties shall be entitled to be heard in person or by attorney.

In case of an appeal from any order or decision of the Commission, under the terms of sections 68 and 69 of this Act, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured

by the Commission on its own initiative and considered by it in rendering its order or decision (and required by this Act to be made a part of its records) and of the pleadings, records and proceedings in the case, shall constitute the record of the Commission: *Provided*, that on appeal from an order or decision of the Commission, the person or corporation taking the appeal and the Commission may stipulate that a certain question or certain questions alone and a specified portion only of the evidence shall be certified to the court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on appeal.

**Stipulation
as to
Record.**

Copies of all official documents and orders filed or deposited according to law in the office of the Commission, certified by a commissioner or by the secretary of the Commission to be true copies of the originals, under the official seal of the commission, shall be evidence in like manner as the originals.

**Certified
Copies—
Evidence.**

In any matter concerning which the Commission is authorized to hold a hearing, upon complaint or application or upon its own motion, notice shall be given to the public utility and to such other interested persons as the Commission shall deem necessary in the manner provided in the preceding section, and the hearing shall be conducted in like manner as if complaint had been made to or by the Commission. But nothing in this Act shall be taken to limit or restrict the power of the Commission, summarily, of its own motion, with or without notice, to conduct any investigations or inquiries authorized by this Act, in such manner and by such means as it may deem proper, and to take such action as it may deem necessary in connection therewith. With respect to any rules, regulations, decisions or orders which the Commission is authorized to issue without a hearing, and so issues, any public utility or other person or corporation affected thereby and deeming such rules, regulations, decisions or orders, or any of them, improper, unreasonable or contrary to law, may apply for a hearing thereon, setting forth specifically in such application every ground of objection which the applicant desires to urge against such rule, regulation, decision or order. The Commission may, in its discretion, grant or deny the application, and a hearing, if had, shall be subject to the provisions of this and the preceding sections.

**Hearings—
Notice, Etc.**

**Summary
Action
Without
Notice.**

**Petition for
Hearing.**

§ 66. Every order of the Commission shall be served upon every person or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing in the United States mail a certified copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby or in the case of a corporation, to any officer or agent thereof upon whom a summons of a court of record may be served in an action at law. It shall be the duty of

**Service of
Orders.**

**Receipt
Acknowl-
edged.**

every person and corporation to notify the Commission forthwith, in writing, of the receipt of the certified copy of every order so served, and in the case of a corporation such notification must be signed and acknowledged by a person or officer duly authorized by the corporation to admit such service. Within a time specified in the order of the Commission every person and corporation upon whom it is served must, if so required in the order, notify the Commission in like manner whether the terms of the order are accepted and will be obeyed.

**Acceptance
of Orders.****Amend-
ments of
Orders.**

§ 67. Anything in this act to the contrary notwithstanding, the Commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any rule, regulation, order or decision made by it. Any order rescinding, altering or amending a prior rule, regulation, order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original rules, regulations, orders or decisions. Within thirty days after the service of any rule or regulation, order or decision of the Commission any party to the action or proceeding may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing. The Commission shall receive and consider such application and shall grant or deny such application within twenty days from the date of the receipt thereof by the Commission. In case the application for rehearing is granted the Commission shall proceed as promptly as possible to consider the matters presented by such application. No appeal shall be allowed from any rule, regulation, order or decision of the Commission unless and until an application for a rehearing, thereof shall first have been filed with and acted upon by the Commission. An application for rehearing shall not excuse any corporation or person from complying with and obeying any rule, regulation, order or decision or any requirement of any rule, regulation, order or decision of the Commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the Commission may by order direct. If, after such rehearing and consideration of all the facts, including those arising since the making of the rule, regulation, order or decision, the Commission shall be of the opinion that the original rule, regulation, order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the Commission may rescind, alter or amend the same. A rule, regulation, order or decision made after such rehearing, rescinding, altering or amending the original rule, regulation, order or decision shall have the same force and effect as an original rule, regulation, order or decision, but shall not affect any right or the enforcement of any

**Petition for
Rehearing.****Commission
to Act
Within
Twenty
Days.****No Appeal
Until Peti-
tion for Re-
hearing
Acted Upon.****Petition
Does Not
Stay Order.****Order Upon
Rehearing.**

right arising from or by virtue of the original rule, regulation, order or decision unless so ordered by the Commission. Only one rehearing shall be granted by the Commission; but this shall not be construed to prevent any party from filing a petition setting up a new and different state of facts after two years, and invoking the action of the Commission thereon.

Only One Rehearing Granted. New Facts After Two Years.

§ 68. Within thirty days after the service of any order or decision of the Commission refusing an application for a rehearing of any rule, regulation, order or decision of the Commission, or within thirty days after the service of any final order or decision of the Commission upon and after a rehearing on any rule, regulation, order or decision of the Commission, any person or corporation affected by such rule, regulation, order or decision, may appeal to the circuit or superior court of the county in which the subject-matter of the hearing is situated, or if the subject-matter of the hearing is situated in more than one county, then of any one of such counties, for the purpose of having the reasonableness or lawfulness of the rule, regulation, order or decision inquired into and determined. The court first acquiring jurisdiction of any appeal from any rule, regulation, order or decision shall have and retain jurisdiction of such appeal and of all further appeals from the same rule, regulation, order or decision until such appeal is disposed of in such circuit or superior court. No proceeding to contest any rule, regulation, decision or order which the Commission is authorized to issue without a hearing and has so issued shall be brought in any court unless application shall have been first made to the Commission for a hearing thereon and until after such application has been acted upon by the Commission, nor shall any person or corporation in any court urge or rely upon any grounds not set forth in such application for a hearing before the Commission, but the Commission shall decide the questions presented by said application with all possible expedition consistent with the duties of the Commission. The party taking such an appeal shall file with the secretary of the Commission written notice of said appeal. The Commission, upon the filing of such notice of appeal, shall, within five days thereafter, file with the clerk of the circuit or superior court to which such appeal is taken a certified copy of the order appealed from and within twenty days thereafter the record provided for in section 65. The party serving such notice of appeal shall, within five days after the service of such notice upon the Commission, file a copy of said notice, with proof of service, with the clerk of said court to which such appeal is taken, and thereupon said circuit or superior court shall have jurisdiction over said appeal and the same shall be entered upon the records of said circuit or superior court and shall be tried therein without formal pleadings, but otherwise according to the rules

Appeal Within Thirty Days.

Venue of Appeal.

No Appeal Until Petition for Hearing Is Acted Upon.

Limited on Appeal to Matter in Petition.

Notice of Appeal.

Order and Record Filed.

Procedure on Appeal.

Chancery Rules.

relating to the trial of chancery suits, so far as the same are applicable.

**Appeal to
Be Expedited.**

**No New
Evidence on
Appeal.**

Commission's Findings Prima Facie True.

**Reversal for
Failure to
Receive Evidence.**

**Burden of
Proof on
Appeal.**

**Failure to
Appeal
Estops Col-
lateral At-
tack.**

**Appeal from
Circuit
Court Di-
rectly to
Supreme
Court.**

**Priority of
Proceed-
ings.
Sec. 70**

A circuit or superior court to which any such appeal is taken shall have the power, and it shall be its duty, in term time or vacation, to hear and determine such appeal with all convenient speed. No new or additional evidence may be introduced in any proceeding upon appeal from a rule, regulation, order or decision of the Commission, issued or confirmed after a hearing, but the appeal shall be heard on the record of the Commission as certified to by it. The findings and conclusions of the Commission on questions of fact shall be held *prima facie* to be true and as found by the Commission; and a rule, regulation, order or decision, of the Commission shall not be set aside unless it clearly appears that the finding of the Commission was against the manifest weight of the evidence presented to or before the Commission for and against such rule, regulation, order or decision, or that the same was without the jurisdiction of the Commission. If it appears that the Commission failed to receive evidence properly proffered, on a hearing or a rehearing, or an application therefor, the court shall remand the case to the Commission with instructions to receive the testimony so proffered and rejected, and to enter a new order based upon the evidence theretofor taken, and such new evidence as it is directed to receive, unless it shall appear that such new evidence would not be controlling, in which case the court shall so find in its order. Rules, regulations, orders or decisions of the Commission shall be held to be *prima facie* reasonable, and the burden of proof upon all issues raised by the appeal shall be upon the person or corporation appealing from such rules, regulations, orders or decisions.

When no appeal is taken from a rule, regulation, order or decision of the Commission, as herein provided, parties affected by such rule, regulation, order or decision, shall be deemed to have waived the right to have the merits of said controversy reviewed by a court and there shall be no trial of the merits of any controversy in which such rule, regulation, order or decision was made, by any court to which application may be made for a writ to enforce the same, or in any other judicial proceeding.

§ 69. Appeals from all final orders and judgments entered by the said circuit or superior court, in review of rules, regulations, orders or decisions of the Commission, may be taken directly to the Supreme Court by either party to the action, within sixty days after service of a copy of the order or judgment of said circuit or superior court, and shall be governed by the rules applying to chancery cases appealed to said Supreme Court, except that formal pleadings shall not be required.

§ 70. Any proceeding in any court in this State directly affecting a rule, regulation, order or decision of the Com-

mission, or to which the Commission is a party, shall have priority in hearing and determination over all other civil proceedings pending in such court, excepting election contests.

§ 71. The pendency of an appeal shall not of itself stay or suspend the operation of the rule, regulation, order or decision of the Commission, but during the pendency of such appeal the circuit or superior court, or the Supreme Court, as the case may be, in its discretion may stay or suspend, in whole or in part, the operation of the Commission's rule, regulation, order or decision.

No order so staying or suspending a rule, regulation, order or decision of the Commission shall be made by the court otherwise than upon three days' notice to the Commission and after a hearing, and if the rule, regulation, order or decision of the Commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner, and specifying the nature of the damage.

When any rate or other charge has been in force for any length of time exceeding one year, and such rate or other charge is advanced by the public utility and the order of the Commission reinstates such prior rate or other charge, in whole or in part, no suspending order shall be allowed in any case from such order pending the final determination of the case in the circuit or superior court, or if appealed to the Supreme Court by such Supreme Court.

In case the rule, regulation, order or decision of the Commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the Commission (or approved, on review, by the court) payable to the people of the State of Illinois, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the rule, regulation, order or decision of the Commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the rule, regulation, order or decision of the Commission, in case said rule, regulation, order or decision is sustained. However, no bond shall be required in the case of any stay or suspension granted on application, of the State, or of any city or other governmental body. The court, in case it stays or suspends the rule, regulation, order or decision of the Commission in any manner affecting rates or other charges or classifications, may, in its discretion, also by order direct the public utility affected to pay into court,

**Stay
Orders.**

**Notice of
Application
for Stay.**

**Grounds
for Grant-
ing Stay.**

**No Stay to
Be Granted
in Certain
Rate Cases.**

**Suspending
Bond.**

Excéptions.

**Impounding
of Funds In
Case of
Stay.**

from time to time thereto to be impounded until the final decision of the case or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money, which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the rule, regulation, order or decision of the Commission had not been stayed or suspended.

Reparation.

§ 72. When complaint has been made to the Commission concerning any rate or other charge of any public utility and the Commission has found, after a hearing, that the public utility has charged an excessive or unjustly discriminatory amount for its product, commodity or service, the Commission may order that the public utility make due reparation to the complainant therefor, with interest at the legal rate from the date of payment of such excessive or unjustly discriminatory amount.

**Suit for
Reparation.**

If the public utility does not comply with an order of the Commission for the payment of money within the time fixed in such order, the complainant, or any person for whose benefit such order was made, may file in any court of competent jurisdiction a petition setting forth briefly the causes for which he claims damages and the order of the Commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the order of the Commission shall be *prima facie* evidence of the facts therein stated. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the action.

**Attorney
Fees.**

**Limitation
on Repara-
tion Claims.**

All complaints for the recovery of damages shall be filed with the Commission within two years from the time the product, commodity or service as to which complaint is made was furnished or performed, and a petition for the enforcement of an order of the Commission for the payment of money shall be filed in the proper court within one year from the date of the order.

**Remedy
Cumulative.**

The remedy provided in this section shall be cumulative, and in addition to any other remedy or remedies in this Act provided in case of failure of a public utility to obey a rule, regulation, order or decision of the Commission.

**Investiga-
tion of Dam-
age Claims.**

The Commission shall have a power to receive complaints regarding loss or damage occasioned by a public utility, and to make inquiry as to the methods of adjusting such claims. All claims against any public utility for loss of, or damage to property, or for any other loss or damage, in connection with a public utility service, not covered by the preceding paragraphs of this section, if not acted upon within ninety days from the date of the filing of the claim with the public utility, may be investigated by the Commission, in its discretion, and the results of such investigation

**Reports
Open to
Public.**

shall be embodied in a special report which shall be open to public inspection.

§ 73. In case any public utility shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done either by any provisions of this Act or any rule, regulation, order or decision of the Commission, issued under authority of this Act, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court may in addition to the actual damages, award damages for the sake of example and by the way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any person or corporation.

Liability for Damages.

Exemplary Damages.

In every case of a recovery of damages by any person or corporation under the provision of this section, the plaintiff shall be entitled to a reasonable counsel's or attorney's fee to be fixed by the court, which fee shall be taxed and collected as part of the costs in the case.

Attorney Fees.

No recovery as in this section provided shall in any manner affect a recovery by the State of the penalties in this Act provided.

§ 74. This Act shall not have the effect to release or waive any right of action by the State, the Commission, or by any body politic, municipal corporation, person or corporation for any right or penalty which may have arisen or accrued or may hereafter arise or accrue under any law of this State.

Does Not Release Penalties.

All penalties accruing under this Act shall be cumulative of each other, and suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or be a bar to any criminal prosecution against any public utility, or any officer, director, agent or employee thereof, or any other corporation or person.

Penalties Cumulative.

No Bar to Criminal Action.

§ 75. Whenever the Commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, regulation, direction or requirement of the Commission, issued or made under authority of this Act, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or any order, decision, rule, regulation, direction or requirement of the Commission, issued or made under authority of this Act, the Commission shall commence an action or proceeding in the circuit or superior court or in any other court of concurrent jurisdiction in and for the county in which the case or some part thereof arose, or in which the person or corporation com-

Injunction or Mandamus to Enforce Law.

Venue of Action.

In Name of People.	plained of, if any, has its principal place of business, or in which the person complained of, if any, resides, in the name of the People of the State of Illinois, for the purpose of having such violation or threatened violation stopped and prevented, either by mandamus or injunction. The Commission shall begin such action or proceeding by petition to such circuit or superior court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken from such final judgment in the same manner and with the same effect, subject to the provisions of this Act, as appeals are taken from judgments of the circuit or superior court in other actions for mandamus or injunction.
Procedure.	
Appeal from Court's Decision.	
General Penal Clause.	<p>§ 76. Any public utility or any corporation other than a public utility, which violates or fails to comply with any provisions of this Act, or which fails to obey, observe or comply with any order, decision, rule, regulation, direction, or requirement or any part or provision thereof, of the Commission, made or issued under authority of this Act, in a case in which a penalty is not otherwise provided for in this Act, shall, upon conviction, be punished by a fine of not less than five hundred dollars nor more than two thousand dollars for each and every offense.</p>
Each Day a Separate Offense.	<p>Every violation of the provisions of this Act or of any order, decision, rule, regulation, direction or requirement of the Commission, or any part or portion thereof by any corporation or person is a separate and distinct offense and in case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.</p>
Liability for Act of Agent.	<p>In construing and enforcing the provisions of this Act relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility acting within the scope of his official duties or employment, shall in every case be deemed to be the act, omission, or failure of such public utility.</p>

§ 77. Every person who, either individually, or acting as an officer, agent or employee of a public utility or of a corporation other than a public utility, violates or fails to comply with any provisions of this Act, or fails to observe, obey or comply with any order, decision, rule, regulation, direction or requirement, or any part or portion thereof, of the Commission, made or issued under authority of this Act, or who procures, aids or abets any public utility in its violation of this Act or in its failure to obey, observe or comply with this Act or any such order, decision, rule, regulation, direction, or requirement, or any part or portion thereof, in a case in which a penalty is not otherwise provided for in this Act, is guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

**Personal
Responsibility
of
Agents.**

**Misde-
meanor.
Penalty.**

§ 78. Except as otherwise provided in this Act, actions to recover penalties under this Act shall be brought in the name of the People of the State of Illinois in the Circuit or Superior Court in and for the county in which the cause or some part thereof, arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the Commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action shall be paid into the State treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.

**Action for
Penalties—
How
Brought.**

**Prosecuted
by Commis-
sion.**

Procedure.

**Comprom-
ise.**

§ 79. It is hereby made the duty of the Commission to see that the provisions of the Constitution and statutes of this State affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the State therefor recovered and collected, and to this end it may sue in the name of the People of the State.

**Commission
to Enforce
Laws.**

§ 80. The Commission is hereby authorized to hear and determine all applications for the cancellation of warehouse licenses in this State which may be issued in pursuance of any laws of this State, and for that purpose to make and adopt such rules and regulations concerning such hearing and determination as may, from time to time, by it be deemed proper. And if, upon such hearing, it shall appear that any public warehouseman has been guilty of violating any law of this State concerning the business of public

**Warehouse
Licenses.**

**Revoca-
tions.**

warehousemen, the Commission may cancel and revoke the license of said public warehouseman, and immediately notify the officer who issued such license of such revocation and cancellation; and no person whose license as a public warehouseman shall be cancelled or revoked shall be entitled to another license or to carry on the business in this State of such public warehouseman until the expiration of six months from the date of such revocation and cancellation, and until he shall have again been licensed: *Provided*, that this section shall not be construed so as to prevent any such warehouseman from delivering any grain on hand at the time of such revocation or cancellation of his said license. And all licenses issued in violation of the provisions of this section shall be deemed null and void.

ARTICLE VI.

LOCAL UTILITIES.

**Except Rail-
roads.**

§ 81. Subject to the provisions of this Article, each city shall have power with respect to public utilities furnishing services, products, or commodities within the limits of such city, except railroads constituting or used as a part of a trunk line railroad system:

**Regulation
of Service.**

(a) To regulate the quality, adequacy, and safety of any service, product or commodity rendered or furnished within such city by any such public utility; and to require such public utility to make such additions and extensions to its plant, equipment and property within said city as shall be reasonable and necessary in the interest of the public.

**Fixed
Rates.**

(b) To determine and prescribe just and reasonable rates or other charges for any service, product or commodity rendered or furnished within such city by any such public utility, and to prevent unjust and unreasonable discriminations in rates or other charges and in services within such city by any such public utility.

**Examina-
tion.**

(c) To examine such public utilities and keep informed as to their general condition, the method of conducting their business, and their compliance with the provisions of law, with the requirements of their charters, franchises, licenses or permits, and with any orders issued under the provisions of this Act.

**Rules of
Procedure.**

(d) To adopt reasonable and proper rules and regulations relative to the exercise of its powers, and to regulate the manner of conducting all investigations and hearings, and to alter and amend the same.

**Certain
Powers
Vested in
City.**

Any city exercising powers under this Article shall with respect to public utilities under its jurisdiction have all the powers and perform all the duties imposed by this Act upon the Illinois Commerce Commission, except with respect to sections 11, 13 to 29, both inclusive, 31, 43, 45, 52, 58 and

80 of this Act, the jurisdiction conferred by which sections shall remain with the Illinois Commerce Commission. No enumeration of powers contained in this section shall be construed as in any manner limiting the powers conferred upon the city by the terms of this section. In all cases in which this Act grants powers to or imposes duties upon the Illinois Commerce Commission, or imposes duties, obligations or liabilities upon public utilities; or provides for proceedings before the Commission or in the courts under Article V of this Act; or provides for civil damages, criminal penalties or for remedies of any character; such provisions shall (except as otherwise specified herein) apply as nearly as may be to cities in the exercise of powers and the performance of duties under this Article; and this Article is intended to apply all such provisions to such cities as fully as if the word "city" were substituted for "Illinois Commerce Commission" or "Commission" in each such case.

Any city exercising powers under this Act shall have authority to exercise such powers by municipal ordinance, or otherwise, as such city shall determine.

All actions to recover fines and penalties under this Article shall be brought in the name of the city under whose jurisdiction the cause of action arose, and the amount recovered shall be paid into the city treasury to the credit of the general fund.

The powers conferred by this Act upon cities shall not apply to nor control transactions by or with any transportation district organized under the laws of this State.

Nothing in this Act shall be construed to limit or restrict powers now or hereafter granted to cities to pass ordinances for the protection of the public health, safety, comfort, and general welfare or governing the regulation, control or occupation of streets, highways and public property within the city. Nothing in this Act shall be construed to limit or restrict the powers granted to cities by this Article, nor to extend the jurisdiction of the Illinois Commerce Commission over the matters covered by this Article except as herein provided.

Nothing in this Article shall be construed to conflict with powers conferred by this Act upon the Illinois Commerce Commission, so far as the exercise of such powers by the Commission is necessary or appropriate to its authority with respect to public utilities under the jurisdiction of the Commission.

§ 82. Every public utility under the jurisdiction of a city shall file with such city, acquiring jurisdiction over such utility, copies of all reports made by such public utility to the Illinois Commerce Commission after such jurisdiction is acquired. The city shall have authority to require any such public utility to file monthly reports of earnings and expenses, and such other periodical or special or periodical

**Manner of
Enforce-
ment.**

**Actions for
Penalties.**

**Transporta-
tion Dis-
tricts Ex-
cepted.**

**Does Not
Limit City
Police
Power.**

**Commission
Has Para-
mount
Power.**

**Reports
Filed with
City.**

Examination of Accounts. and special reports concerning any matter about which the city is authorized by law to keep itself informed, and shall have authority to inspect and examine any and all books, accounts, papers, records and memoranda kept by such public utility.

Reports Under Oath. All reports shall be under oath. When any report is erroneous or defective or appears to the city to be erroneous or defective the city may notify the public utility to amend such report within thirty days, and before or after the termination of such period the city may examine the officers, agents or employees, books, records, accounts, vouchers, plant, equipment and property of such public utility, and correct such items in the report as upon such examination the city may find defective or erroneous. All reports made to the city by any public utility and the contents thereof shall be open to public inspection unless otherwise ordered by the city.

Reports Open to Public.

Failure to Report. Any public utility which fails to make and file any report called for by the city within the time specified, or to make specific answer to any question propounded by the city within thirty days from the time it is lawfully required to do so, or within such further time, not to exceed ninety days, as may in its discretion be allowed by the city, shall forfeit one hundred (\$100) dollars for each and every day it may be in default.

Penalty. Any person who knowingly makes any false returns or report to the city, or to any officer or agent of the city, and any person who aids or abets such person shall upon conviction be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars (\$1,000) or both.

Commission to Furnish Data and Make Valuations. § 83. Any city may by ordinance or resolution apply to the Illinois Commerce Commission for any information or data necessary or useful in the exercise of its power over public utilities under its jurisdiction; or for the assistance of experts or other agents of the Commission in an investigation of a public utility by the city; or for an investigation by the Commission as to any matters relating to public utilities under the jurisdiction of such city. Upon such application it shall be the duty of the Illinois Commerce Commission to furnish all information or assistance to such city as may be within its power, without interfering with the performance of the duties imposed by law upon the Commission. Requests by cities to the Commission for valuations of public utilities shall, so far as possible, be complied with by the Commission in the order in which they are received.

Requests Complied with in Order Received.

Appeal to the Commission. § 84. Any public utility dissatisfied with any action of a city under the terms of this Act may apply for a review of the action of the city by the Illinois Commerce Commission. Such application shall set forth the action of the city and the grounds on which such action is contested. Upon such

application it shall be the duty of the Commission to review the action of the city; and for the purpose of such review the Commission shall be vested with all the powers, and such public utility shall be subject to all the duties, obligations and liabilities as in the case of public utilities subject to the jurisdiction of the Commission. On such review the Commission shall make such determination as seems to it just and reasonable; and such order of the Commission shall be subject to all of the provisions of this Act the same as if made in a proceeding over which the Commission had original jurisdiction.

§ 85. This article shall not be in force in any city until the question of its adoption shall first have been submitted to the legal voters of such city and approved by a majority of those voting at such election. Until this article has been adopted and approved by the voters of such city the Illinois Commerce Commission shall be vested with all the powers and jurisdiction conferred by this Act as to all public utilities within such city, and all public utilities within such city shall be subject to all the duties, obligations, and liabilities as in the case of other public utilities under the jurisdiction of such Commission.

Upon the adoption of this article by any city, the authority of such city shall supersede the powers of the Illinois Commerce Commission with respect to the matters upon which the city has assumed or resumed authority hereunder.

The question of the adoption of this article may be submitted in the following manner: A petition signed by the legal voters of the city equal in number to at least twenty-five per cent of the legal voters of the city voting at the last preceding election for mayor or president of the village, demanding the submission of the question of the adoption of this article, may be filed with the election officials having authority over election matters for such city, and it shall thereupon be the duty of such election officials to submit the question of the adoption of this article to such legal voters at any municipal election at which a mayor or president of the village or any clerk or city treasurer is elected, to be held not less than 30 days after the filing of such petition:

Where such petition is filed for and in any city which has adopted and is operating under Article XIII of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended, it shall be the duty of the election officials to submit the question of the adoption of this article to the legal voters at the next election at which a mayor and commissioners are to be elected, or, if filed within thirty days before, or if filed after such election, then at the next general, municipal or special election in and for the entire city, to be held during the month of April of the odd-numbered year following any such election. If no such general, municipal or special election

Procedure.

**Mode of
Adoption of
This Article.**

**Commission's
Power Superseded.**

**Petition for
Adoption.**

**Under Commission
Form of
Government.**

is to be held in April of any such odd-numbered year, it is the duty of such election officials to call a special election for the submission of such question on a day in such month. However, such petition shall in all cases be filed at least thirty days prior to the date of such election.

**Submitted
but Once in
Two Years.**

Should this article fail to be adopted at any time at which it is submitted under the requirements of this section, then it may be resubmitted from time to time by petition as above provided, but the question shall not be submitted oftener than once each two years.

**Surrender
of Power by
City.**

§ 86. Any city may surrender the powers herein conferred upon it with respect to public utilities. On such surrender of its power by any city, such city shall cease to exercise the powers so surrendered; and the Illinois Commerce Commission shall be vested with all powers under this Act as to public utilities within such city.

**Procedure
for Surren-
der of
Power.**

The surrender of the powers herein conferred shall be effected only after the question of such surrender has been submitted to the legal voters of such city and approved by a majority of those voting thereon. The question of the surrender of the powers conferred by this article may be submitted in the following manner: A petition signed by the legal voters of the city equal in number to at least twenty-five per cent of the legal voters of the city voting at the last preceding election for mayor or president of the village, demanding the submission of the question of the surrender of the powers conferred by this article, may be filed with the election officials having authority over election matters for such city, and it shall thereupon be the duty of such election officials to submit the question of the surrender of the powers conferred by this article, to such legal voters at any municipal election at which a mayor or president of the village or any clerk or city treasurer is elected, to be held not less than thirty days after the filing of such petition. Where such petition is filed for and in any city which has adopted, and is operating under Article XIII of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended, it shall be the duty of the election officials to submit the question of the surrender of the powers conferred by this article to the legal voters at the next election at which a mayor and commissioners are to be elected, or, if filed within thirty days before, or if filed after such election, then at the next general, municipal or special election in and for the entire city, to be held during the month of April of the odd-numbered year following any such election. If no such general, municipal or special election is to be held in April of any such odd-numbered year, it is the duty of such election officials to call a special election for the submission of such question on a day in such month. However, such peti-

Petition.

tion shall in all cases be filed at least thirty days prior to the date of such election.

No action of any city adopting this article, or surrendering the powers conferred thereby, shall be of force and effect until a notice of such adoption or surrender shall have been filed with the Illinois Commerce Commission.

If a city adopts or surrenders the powers conferred by this article while an appeal is pending in the courts questioning the findings, orders, decisions, rules or regulations of the commission (or of the city, as the case may be) the court, in which such appeal is pending, may, in its discretion, permit the joinder or substitution of the city (or of the commission, as the case may be).

ARTICLE VII.

REPEAL—SAVING CLAUSE—CONSTRUCTION.

§ 87. "An Act to establish a board of railroad and warehouse commissioners, and prescribe their powers and duties," approved April 13, 1871, in force July 1, 1871, together with the amendments thereto; "An Act defining and regulating express companies and carriers by express operating within the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission," approved June 9, 1911, in force July 1, 1911; and "An Act to provide for the regulation of public utilities," approved June 30, 1913, in force January 1, 1914, as amended, are hereby repealed. Nothing in this Act shall be construed to repeal any other Act or part thereof conferring power on said Board of Railroad and Warehouse Commissioners or on the State Public Utilities Commission or the Public Utilities Commission except such as are in direct conflict herewith, but the rights, powers and duties conferred by such other Act or Acts upon the Board of Railroad and Warehouse Commissioners, the State Public Utilities Commission, and the Public Utilities Commission shall be continued in full force and transferred to the Illinois Commerce Commission, it being the intent of this Act to substitute with respect to such other Act or Acts the Illinois Commerce Commission for the Public Utilities Commission.

The Public Utilities Commission shall transfer and deliver to the Illinois Commerce Commission, upon its demand in writing, all books, papers and records; furniture, equipment and supplies of whatever description in its possession; and the Illinois Commerce Commission shall take possession of all such books, papers and records, furniture, equipment and supplies.

All parts of "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917, as amended in conflict with this Act, are hereby repealed.

**Notice
Filed with
Commis-
sion.**

**Pendency
of Appeals.**

**Certain
Acts Re-
pealed.**

**Construc-
tion as to
Repeal of
Other Acts.**

**Records of
Utility
Com. Trans-
ferred.**

**Conflicting
Parts of
Administra-
tive Code
Repealed.**

Sec. 87

**Pending
Actions in
Courts.**

§ 88. This Act shall not affect pending actions or proceedings, civil or criminal, in any court, brought by or against the People of the State of Illinois or the Board of Railroad and Warehouse Commissioners, State Public Utilities Commission, or Public Utilities Commission, or by any other person, firm or corporation under the provisions of the Acts establishing or conferring power on the Board of Railroad and Warehouse Commissioners, State Public Utilities Commission or Public Utilities Commission, nor abate any causes of action arising thereunder, but the same may be instituted, prosecuted and defended with the same effect as though this Act had not been passed. Any investigation, hearing or proceeding, instituted or conducted by the Board of Railroad and Warehouse Commissioners, State Public Utilities Commission or Public Utilities Commission, prior to the taking effect of this Act shall be conducted and continued to a final determination by the Illinois Commerce Commission with the same effect as if this Act had not been passed.

**Pending
Cases Be-
fore Com-
mission.**

**Predeces-
sors' Orders
to Continue
in Force.**

All findings, orders, decisions, rules and regulations issued or promulgated by the Board of Railroad and Warehouse Commissioners, State Public Utilities Commission or Public Utilities Commission, under the Acts establishing or conferring power on said board or commissions, shall continue in force; and the Illinois Commerce Commission hereby created shall have all powers with respect to said findings, orders, decisions, rules and regulations as though said findings, orders, decisions, rules and regulations had been made, issued or promulgated by the Illinois Commerce Commission under this Act.

**Invalidity
of One Sec-
tion.**

§ 89. If any section, subdivision, sentence, or clause of this Act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

**Exception
of Foreign
and Inter-
state Com-
merce.**

§ 90. Neither this Act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except when specifically so stated, and insofar as the same may be permitted under the provisions of the Constitution of the United States and Acts of Congress, and the decisions of the Supreme Court of the United States.

**Substantial
Compliance
Only, Nec-
essary.**

§ 91. A substantial compliance with the requirements of this Act shall be sufficient to give effect to all the Acts, orders, decisions, rules and regulations of the Commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

(HOUSE BILL No. 776. APPROVED JUNE 28, 1921.)

AN ACT to regulate business of storing personal property for hire.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* After September 30, 1921, no person, firm or corporation shall engage in the business of storing personal property for hire without a license issued by the public utilities commission or by the State commission exercising the power of supervision over public utilities. The provisions of this Act shall not apply to warehouses licensed under "An Act to regulate cold storage of certain articles of food," in force July 1, 1917, nor to warehouses licensed under "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to Article thirteen of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, as amended.

§ 2. Every person, firm or corporation desiring to engage in or continue in the business of storing personal property for hire shall make application for a license upon blanks prepared and furnished by such commission. The applicant shall state in his application under oath:

- (a) The name and business address of the applicant;
- (b) The location of warehouse or warehouses for which a license is desired;
- (c) If the applicant is a corporation the names and addresses of the principal officers and of the directors of the corporation; and
- (d) Such other information as the commission may require to be furnished in connection with such application.

§ 3. The commission shall examine such application and shall cause an examination to be made of the warehouse or warehouses for which a license is sought, and shall issue a license to such applicant if the terms of this law have been complied with. The applicant shall pay a fee of twenty-five dollars per annum to the commission for such license, and the license shall not continue in effect unless such fee is paid. Each applicant for a license shall file with the commission a bond with security to be approved by the commission, conditioned for the observance of the provisions of this Act and the rules, regulations, orders, and decisions of the commission, and for the payment of any judgment recovered by any person by reason of the damage to or loss of personal property stored with the applicant.

The commission shall adopt reasonable rules classifying persons, firms or corporations licensed under the provisions of this Act, according to the number of warehouses or places to be used for the storage of personal property, the space to be devoted to that purpose and the character of protection afforded by such warehouse; and shall fix the amount of the bond to be filed by the applicant in accordance with its rules.

Exceptions.**Application
for a
License.****Examina-
tion of
Ware-
houses.****License
Fees.****Bond.****Classifica-
tion.**

but the bond required shall in no case be less than \$5,000 nor more than \$100,000.

Period of License.

§ 4. The period for which a license is granted shall run from July 1 to June 30. If application is made after the expiration of the first quarter of any year, the fee to be charged for such license shall be twenty dollars; if after the expiration of the second quarter the fee shall be fifteen dollars; and if after the expiration of the third quarter the fee shall be ten dollars.

Exception.

§ 5. Nothing in this Act shall be construed to prevent the delivery of property stored previous to the coming into effect of this Act.

Revocation of License.

§ 6. In case any licensee under this Act shall violate any of the provisions of this law or any of the rules, regulations, orders or decisions relating to such warehouses, adopted by the commission, the commission shall have authority to notify the licensee of such violation, and upon notice and hearing to revoke such license or to take such other steps as may be authorized by law.

Rules and Regulations.

§ 7. The commission shall have authority to make all necessary rules and regulations to carry this Act into effect. Nothing in this Act shall be construed as in any way reducing the powers now conferred by law upon such commission with respect to warehouses covered by this Act.

Penalty.

§ 8. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

APPROVED June 28, 1921.

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